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UNIVERSITY DEBATERS' ANNUAL

Constructive and Rebuttal Speeches Delivered in Debates of American Colleges and Universities During the College Year, 1916-1917

Edited by
EDITH M. PHELPS

THE H. W. WILSON COMPANY
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1917

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PREFACE

In compiling Volume III of the University Debaters' Annual the aim has been to make it more than a mere record of intercollegiate debating for 1916-1917. It will be a valuable source of specimen material for the student of debate as well, and will also offer useful reference material to debaters and others interested in the subjects presented as live questions. To this end only those subjects debated during the past year that are still of interest as public questions and open to debate have been selected. Each question is covered by one complete debate, or by the constructive and rebuttal speeches of the affirmative and negative teams of one college, accompanied by brief and bibliography.

This method of selection limited the number of subjects available very considerably. Some of the questions were no longer suitable for debate owing to the rapid change of events during the past few months and these must necessarily be omitted from those available for selection. In a few cases it happened that the same subject was chosen by a number of colleges. This was true particularly of the question of compulsory arbitration of industrial disputes. Two debates on this subject were chosen, but, as each approached the subject in a different manner, they have been put in separate chapters, each accompanied by its own brief and bibliography. They will be valuable for purposes of comparison.

Six chapters in all are included in this volume. One is a complete stenographic report of the debate. The others contain speeches of both affirmative and negative teams of one college. After the subjects had been selected and arrangements made, the scattering of students for work in connection with the war interfered with the securing of all the manuscript needed from the individual debaters. Consequently two of the chapters lack the rebuttal speeches.

Grateful acknowledgment is made to all who assisted in securing the manuscript from the debaters, and especially to those who came to the rescue and made it possible to secure needed material when those originally in charge of the matter could no longer carry out the arrangement.

EDITH M. PHELPS.

July 26, 1917.

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CHAPTER I

GOVERNMENT OWNERSHIP OF RAILROADS

UNIVERSITY OF IOWA

RESOLVED: *That the Federal Government should own and operate the railroads.*

The speeches here presented are those of the debating teams of the University of Iowa in the annual debates of the "I. M. I." League consisting of the state universities of Iowa, Minnesota and Illinois. The debaters spoke extemporaneously entirely at the debate, but immediately afterward transferred the speeches used to paper in this form. A special rebuttal program was held at which rebuttals here presented were made. The purpose was to present as nearly as possible the actual points which came up in the debate. The work was supervised by the Chairman of the Forensic Council, a faculty representative of the student organization promoting debate and oratory at the University of Iowa. The debates were held December 8, 1916. The Affirmative Team met Illinois at Iowa City and the decision was two to one in favor of the Negative. The Negative Team won two to one from Minnesota at Minneapolis.

BRIEF

GOVERNMENT OWNERSHIP OF RAILROADS

Affirmative

The government should own and operate the railroads, for

A. Regulation has failed,

I. Regulation has failed,

1. Because of the powerful resistance offered by the railroads.

2. Because of the Interstate Commerce Commission's lack of positive power to adopt a constructive policy.

B. Regulation will fail in the future, because

1. It cannot overcome the antagonism of interest between the owners of the railroads and the public, for

a. The public's ideal and the railroad's ideal will always conflict under private ownership.

2. Competition is becoming inoperative as a regulative agency, making private ownership with regulation undesirable, for

b. Public monopoly is preferable to private monopoly.

II. Our whole commercial and industrial life is too dependent upon the railroads to permit that they be left in private hands, for

A. The railroads have become a public necessity.

B. The railroads are a public utility.

C. Private ownership is contrary to public interests, for

1. It is a general law that property is managed in the interest of its owners.

2. The railroads are today being managed in the interests of their owners.

III. The government can more economically operate and manage this public interest, for
  A. It can borrow money cheaper.
  B. It can effect a great saving in operation by reduced salaries, and by eliminating advertising and litigation.
  C. It will eliminate the great economic waste because of the present practice of circuitous routing.

IV. It would be practicable for
  A. The process of purchasing the railroads would involve a mere substitution of government bonds for railroad securities.
  B. The purchase would mean no actual increase in our national debt,
    1. The railroads are valuable revenue producing property—the unearned increment on railroad property increases 100 per cent every fifteen years.
  C. The government has shown its ability to manage business in the interests of the public.
  D. Government ownership would only mean the taking back of a farmed-out business.

V. Ownership is the all important factor in successful operation of the railroads, for
  A. Then the railroads would be operated in the interests of the public, because
    1. Government ownership would tend to produce the growth of enormous trusts.
    2. By socializing rates and fares the problem of congestion could be solved.
    3. The railroads would become a military advantage.
    4. Lines would be extended into undeveloped territory.
    5. It would remove railroad securities from the field of speculation.

Negative

I. Introduction
  A. The immensity of the problem makes it especially necessary that there be a distinct need for government ownership before such an experiment should be undertaken.

1. Considerations.
   a. Mileage.
   b. Property valuations involved.
   c. Men employed.
   d. Business handled.

II. The federal government should not own and operate the railroads in the United States, because

A. No such need for government ownership exists, for
   1. Our railroads under private ownership are meeting every requirement of an efficient transportation system, for
      a. They are giving us adequate service, both as to mileage and equipment.
      b. The rates are reasonable, for
         (1) Both passenger and freight rates on American railroads are lower than those of both private and government owned roads in Europe.
      c. The transportation is comparatively safe considering the speed with which our trains are run.

B. Governments of their very nature must fail in commercial enterprises, for
   1. There is a fatal gap between public revenue and public expense, for
      a. Every dollar spent must first be appropriated.
      b. Appropriations are not made according to needs.
   2. Railway policies will become political issues, for
      a. Expenditures would be subject to pork barrel legislation.
      b. Rate discrimination would exist between different localities.
      c. Employees of the government-owned railroad would become a serious factor politically.

C. Private ownership with governmental supervision is preferable to government ownership.
   1. Regulation has never been given a fair trial, for

a. It has swung from extreme laxity to extreme severity.
b. It has continually been destructive.
c. It has been diversified rather than unified.

2. A system of regulation made possible by the establishment of regional districts, together with an extension of the powers of the Interstate Commerce Commission and provision for federal incorporation, would meet the problem.

GOVERNMENT OWNERSHIP OF RAILROADS

UNIVERSITY OF IOWA

Affirmative Speeches in Debate against University of Illinois

FIRST AFFIRMATIVE

Russell W. Lemely, Iowa

In the words of President Wilson, "Transportation is obviously a problem that lies at the very foundation of our efficiency as a people. The railways are indispensable to our whole economic life." Such is the importance of the subject under consideration this evening. For purposes of this discussion this problem has been stated as follows: Resolved that the federal government should own and operate the railways, constitutionality granted." In supporting the Affirmative of this proposition we do not condemn the present system as utterly worthless, nor do we maintain that government ownership will prove an absolutely faultless remedy for the conditions which exist. We do maintain, however, that the public interest will be better served by government ownership than by private ownership and government regulation.

The government should own and operate the railways, that is, the public interest will be better served by government ownership than by private ownership with government regulation, because regulation without ownership cannot succeed. And regulation without ownership cannot succeed because regulation has failed in the past and because it must fail in the future as it has failed in the past.

Regulation has failed, for railway conditions at present are unsatisfactory. In our twenty-seven years of regulatory experience we have run the gamut of railway regulation. Every type has been tried and it has failed to eliminate antagonism between the railways and the public. We began with no regulation at all and the railways abused the powers and privileges which were theirs. The public became distrustful and began to regulate with ever increasing stringency, fostering ever increasing bitterness until now the railways complain that they are over regulated, and the public still clamors for stricter regulatory laws. The reason for this state of affairs is that it is impossible to find exactly the right degree of regulation. There is always either too much or too little. If the former, the railways complain that their growth is being restricted; if the latter, the railways abuse their power.

Moreover, regulation has failed to eliminate antagonism between the railways and their employees. This was made painfully evident last August when the threat of the employees to tie up the business of the country with one great strike resulted in the passage of the Adamson bill by Congress. We are now confronted with the same situation and unless something is done quickly another great war between the railroads and their employees will soon be on.

All classes of people agree that something is wrong with our present system of railway regulation. The very fact that at the present time a joint Congressional committee at the request of President Wilson, is making an investigation, the avowed purpose of which is to find out what is the matter and suggest a remedy, is sufficient proof that our present system is too faulty to be continued in use.

Again, the Interstate Commerce Commission lacks the positive power to adopt and enforce a constructive policy of regulation and this makes its restrictive power of little value. Let me illustrate what I mean by an example. Not long since, after the Interstate Commerce Commission had refused several eastern railroads an increase in rates, these railroads laid off several thousand employees and so reduced the quality of service that the desired increase was finally granted at the request of the shippers themselves in order to secure the service they required. The private owners are always able to retaliate in some manner which the Interstate Commerce Commission cannot prevent and

not until the government owns and operates the railways can it have the needful positive power to successfully regulate them.

In the second place, regulation without ownership cannot succeed because regulation must fail in the future as it has failed in the past, for it cannot eliminate the antagonism between the railways and the public. The basic principle of regulation is wrong. Let us see just what is involved in regulation. On the one hand we have the private owners of the railways who are seeking to make all the profit possible and whose principal object is gain. On the other is the public, trying to limit, restrain and regulate the railways until they operate for the public interest. The two agencies are naturally at cross-purposes, for the efforts of the public cannot but curtail and interfere with the private profit. The ideals of the two must always conflict. The natural result is evasion and the seeking of loopholes by the railways. The public becomes angry and puts up a new restriction as much as to say, "Now see if you can find a loophole," and the railways immediately proceed to do so. Such has been the continual progress of our system of regulation down to the present time. A man can control and regulate his own actions but not those of his neighbor. In like manner the government can control and regulate that which is a part of itself and in sympathy with it but not that which is separate from it and antagonistic to it. Regulating someone who is opposed to your regulation is an exceedingly difficult task. The personal equation, the natural desire for gain, makes the difference. Government ownership solves the personal equation by eliminating it. Government ownership makes the public and the owners one and the same and thus obviates all possibility of antagonism.

Neither can regulation overcome the antagonism between the railway owners and their employees and for this reason regulation must fail in the future. There are now three parties involved in the matter, labor, capital and the public. Between labor and private capital there exists a natural enmity, due again to the personal equation, to the belief on the part of labor that capital is exploiting it for private gain. Government ownership will eliminate the personal equation here by combining the railways and the public Labor does not resent the making of huge revenues on the part of the government because the laborers themselves own and are a part of the government. If they fought

the government, they would be fighting themselves. Hence, government ownership would eliminate this type of antagonism.

In the second place regulation will fail in the future because competition is no longer either possible or desirable as a regulative agency. Competition is not effective in a public utility because it is cheaper to combine than it is to compete. A single road and single management can operate more cheaply and make more money off the same traffic than could two competing roads side by side. Combination saves duplication in plant, salaries, employees and by eliminating cut-throat competition for traffic. Any standard work on economics will bear out my statement that this tendency toward combination is the natural result of economic law. As Mr. W. W. Cook, author of "Cook on Corporations," says, "This is an age of consolidation, natural, irresistible, inevitable—Because it reduces cost, controls prices and makes more money."

The tendency in this country is toward consolidation, for we find that ten groups of capitalists control over three fourths of the railways mileage of the United States. (R. T. Ely. "Outlines of Economics." p 562, 1916.) And we of the Affirmative do not object to combination or monopoly in itself for we have just seen that it saves the wastes and demoralization of competition. What we object to is privately owned combination. We mantain that government monopoly is preferable to private monopoly. 1. The Negative may argue that there is no monopoly, that the Sherman anti-trust law and the Newlands act have prevented this. 2. In the first place we have just seen that this tendency toward monopoly is the natural result of economic law. As Frank Parsons, long the foremost authority on the railways in this country, says, "Monopoly exists in obedience to a law superior to any that Congress can make—the law of industrial gravitation—and the only question is whether the monopolies shall be public or private, whether the monopolies shall own the government and ultimately the people or whether the people shall own the monopolies." (Frank Parsons. Senate Documents. 56th Congress. 1st session. Vol. 8, p 17.)

Moreover, leading authorities opposed to government ownership agree that combination is desirable. S. O. Dunn and W. W. Cook both advocate the repeal of the Sherman anti-trust law.

Since combination is inevitable, it follows that a government-

owned monopoly is preferable to a private-owned monopoly, in the first place because the tremenduous income of the railways amounting to a tax upon all the people, should go to the benefit of the people. In 1910 the freight revenue alone amounted to nearly two billion dollars, an average of ninety-five dollars for every family in the country. Directly or indirectly, every one contributes to the railway revenues. These revenues are, then, in reality the product of a tax levied on every individual and the Affirmative maintain that the profits therefrom should be used for the benefit of the people who pay them and should not be allowed to swell the purses of private owners of the railway system. The people should own the system and receive all the benefits therefrom.

In the second place it would be impossible to regulate such a private monopoly, for since we have just seen that regulation has failed to cope with present conditions, how much more will it fail to deal with still more centralized and unified monopoly.

The Negative will doubtless attempt to awe you with an impressive presentation of the tremendous magnitude of the system which we are proposing to take over for the government, and will vehemently oppose entrusting such a system to the government, yet they are perfectly willing to leave this enormous system to the tender mercies of private monopoly and to attempt to regulate that monopoly. Such a monopoly would overshadow the government itself since the railway income is nearly as great as that of the government and the railway employees exceed those of the government in number. Such a private monopoly would be so powerful politically as to control its own regulation. The railways are at the present time tremendously powerful politically. They are slowly forcing rates up through their influence with the commissions. They contributed secretly $43,000 toward the passage of the last Rivers and harbors bill while both House and Congress are full of railway attorneys and those who hope some day to be railway counsellors. Let me put it to you directly. Would you not feel safer knowing that a monopoly of the railways of this country was in the control of the government itself than if it was in the control of one or a few private individuals?

As Bismarck said, "The government must own the railways or the railways will own the government." We of the Affirma-

tive believe and maintain that the government should own the railways.

The public interest, then, will be better served by government ownership than by private ownership with government regulation because regulation without ownership cannot succeed. Regulation without ownership cannot succeed because it has failed in the past to eliminate antagonism which is the root of all present railway evil and because it must fail in the future as it has failed in the past to remove that evil, since the principle of regulation itself is wrong and since competition is no longer a regulative agency.

SECOND AFFIRMATIVE

Roy Burns, Iowa

Up to this point the Affirmative has held that government ownership in the United States is imperative since regulation without ownership cannot succeed as the experience of the past several years has shown us. Furthermore, regulation in the future will fail due to the fact that antagonism between public and private interests cannot be eliminated. The first speaker for the Affirmative has also pointed out that competition in the railway business is no longer possible; and that since we must have a monopoly, that monopoly must be formed by the government.

The purpose of the Affirmative is further to show that our whole commercial and industrial life is too dependent upon the railroads to permit that they be left in private hands, and second, to demonstrate that the government can more economically manage this public enterprise.

Under the present system, the public interest is too much dependent upon the whims and ambitions of a few private individuals who will, if necessary, jeopardize the public interest to further their own ends. The railways from being a purely business enterprise have taken on gradually the characteristics of a public service utility in which service to the public is the first consideration and in which profits should be a secondary consideration. Justice Brewer in a Supreme Court opinion stated that the court might sustain legislation compelling the railroads

to operate without any profit whatever where necessary in order to further public interest. Today the railroads have become an absolute public necessity. Our whole commercial and industrial system as well as our present political organization, is possible because of the railroads. Suspend railroad operations for even one day and loss measured in hundreds of thousands of dollars would be occasioned, whereas the suspension of railroad activity for the period of a week would cause thousands of factories to be shut down, bringing business to a stand still, and bringing the masses in our large cities to a starvation stage.

Thus, the railways being a public necessity and a public service utility, private ownership is contrary to public interest, for private owners will operate for profits and not chiefly for service or the public interest. It is general economic law that business is operated in the interest of its owners. This being the case the railroads under the present system naturally are and must of necessity be operated in the interest of private individuals instead of the general public. Government ownership alone can bring about the operation of the railroads in the interest of the public.

The statement that the railroads are being run in the interest of private individuals and not the public is not mere theory, but is backed by the facts of the case. A consideration of the expenses and revenues of the railroads shows this. According to the Bureau of Railway Economics for 1915, for the year ending June 30, 1915, the total net income of the railways in the United States was $312,990,225. Of this amount the enormous sum of $169,563,440 was appropriated to dividends, and a balance of $109,728,807 was transferred to clear profits. Yet in spite of enormous income less money was invested in railway extension in 1915 than in any year since the Civil war. This is the statement of S. O. Dunn, editor of the Railway Age Gazette. The facts are these: the railways are securing vast incomes at the present time, but due to the fact that they are being exploited for private interest less money than ever is available for construction and extension. Figures from the statistical abstract of the United States for 1915 show that twelve roads, representing over 20,000 miles and a capitalization of over $1,070,000,000 went into the hands of the receivers in that year. "In 1909 the American railways," says Mr. Slason Thompson of the Bureau of Railway News, "skimped their expenditures for roadway and structure

by $134,000,000 and their expenditures for equipment by $85,000,000." According to the testimony of the late James J. Hill, to put the railroads of this country in good working order that they may handle their traffic properly would require the expenditure of about $9,000,000,000 or a sum equal to one half of the present capitalization of the entire system. The railroads are in such a condition because they are being run for profits chiefly, and with a minimum of expenditure. Service and the public interest are being neglected that private interests may further their own purposes.

The very fact that laws are needed for the safeguarding of the public against accidents shows that the public interest is being neglected. Many railroads will not adopt safety devices until compelled to do so by law or public opinion. The apparent willingness of railway employees to precipitate a strike last September, and the persistency of railway officials in forcing the strike goes further to show that the public comes in for little consideration. In case of a strike, it would be the public that would suffer most, and yet under the present system the public which is most vitally interested is placed at the mercy of railway men.

The manner in which the different railroad companies discriminate for and against individuals and territories makes further proof of the fact that private ownership is contrary to public interest. Discrimination is used where necessary in order to secure additional business and profits, regardless of the loss of any individual or of unfair advantage given to any other individual. The main consideration is profit: if profit can be secured by building up a great industry, then that is done; if profit lies in the destruction of a great business, such a course is followed. In the interest of square dealing, the railways as an instrument for private gain must be taken out of the hands of the owners of the present time. Examples of discrimination are numerous. On the New Haven & Hartford lines a charge of $80 for a car of peaches is made for a haul from New York to Boston, a distance of 288 miles, whereas a charge of $162 a car is made for a haul from Georgia to New York, a distance of 1150 miles. Here there is a distinct discrimination against Boston and territory. The rate on rails from Pittsburg to Colorado is $1.60, whereas the rate from Pittsburg to San Francisco is only $.66. Colorado in this case is laboring under a great disadvan-

tage due to railway discrimination. The New Republic for December 7, states the facts of the case when it says: "If the business of transportation so vital to the prosperity, the social welfare, the very safety of the community, is trusted to the results of private profiteering, some aspect of the public interest involved is certain to be sacrificed." **Private ownership is contrary to public interest.**

A further reason for government ownership lies in the fact that the government can more economically manage the railroads. The government can borrow money at rates varying from 3½ to 4 per cent, while private corporations must pay rates higher by 1½ and 2 per cent. According to the testimony of Clifford Thorne of the Iowa Railway Commission, the saving the government could effect on interest alone would amount to over $1,500,000 daily. This vast sum represents at the present time a loss to the general public.

Great savings in operation could be brought about under a system of government owned railways. Salaries could be cut down, for the government can hire the best talent more cheaply than the railways can. The government can hire the best lawyers to sit upon the supreme court bench for $14,000 a year, while railway companies pay their counsel as high as $25,000 a year. The best bankers in the country are secured to serve on the federal reserve board for a stipend of $12,000 annually, whereas railway magnates receive as high as $100,000 annually. Further, litigation costs, such as the carrying on of suits, maintaining of counsel, fines and other costs could be eliminated under government ownership. Advertising and soliciting costs would be unknown with the government owning the railroads. Wasteful regulation costs could be done away with. The New York Sun for April 11, 1916, states that New York alone in 1914 expended $3,792,884 on its two commissions. Forty-five states have like commissions, and like heavy costs. Government ownership would mean an elimination of this costly and burdensome duplicate system.

But the greatest wastes that would be done away with under a system of government ownership are those wastes arising from circuitous routing and duplication of service and facilities. Between New York and New Orleans, nearly one hundred all-rail lines may compete for business. The most direct route is 1,341

miles in length, and the most circuitous over 2,050 miles in length. All goods hauled over any but the shorter lines are carried at an economic loss. The government would minimize this loss by sending goods over the shortest lines. The New York Central moves freight 200 miles due north to reach a point in Alabama, being another case of waste that the government could eliminate. Duplications in the present system cause losses even greater than those arising from circuitous routing. "There are seven depots in Council Bluffs where one would do as well," says Clifford Thorne, who also states that there are six trains leaving at the same hour from Chicago for St. Louis where one would do the work. According to Mr. Kenna, in his book on "Railway Misrule," the competitive waste of the railways in 1912 was over $400,000,000, which means that a loss of over $1,000,000 daily is being occasioned by competitive operation of the railways of the United States. Add this sum to the amount the public is losing on interest and we arrive at the startling fact that for every day that the railways are operated under the present system the American public is losing over $2,500,000. Government ownership of the railways in the United States would mean better service at less cost than at the present time.

To summarize the case of the Affirmative thus far, it has been pointed out in the first place, that regulation has failed in the past and will fail in the future; secondly, that our whole commercial and industrial system is too dependent upon the railroads to permit that they be left in private hands; and, lastly, that the government can more economically manage this public enterprise. For these reasons, then, Ladies and Gentlemen, the Affirmative holds that the United States should own and operate all the railroads.

THIRD AFFIRMATIVE

Arlen Wilson, Iowa

The case of the Affirmative thus far this evening has been based largely on sound economic doctrine and theory. We have started with the premise that all business private or public is operated primarily in the interests of its owners. Our privately

owned railroads are no exception to this rule. The interests of the owners receive the first consideration. But in the case of the railroads we have shown you by concrete facts that the public has in reality the predominating interest in these railroads. The railroads are the most vital arteries of our American commerce, and it is the public which is the heaviest loser when the roads are forced to suspend operations. Our whole problem this evening has been to coördinate these two equally sound and important propositions. In so doing we have evolved the maxim that in order to have the railroads operated in the interest of the general public it is necessary that the public own them. When the public owns them, it will then operate primarily in its own interest. This conclusion, we believe, has been deduced from sound premises and through logical and consistent reasoning.

We have taken up another and more practical line of reasoning which leads to the same conclusion. We have shown that the government regulation of our privately owned roads has up to this time been a failure. This is evidenced by the widespread discontent among the shippers, the railroad men, and the government officials with our present system and their clamor for a change of some kind. In addition to this we have shown that because of the difference in purpose between the men who operate the railroads and the men who regulate them, the doctrine of regulation can never be made a success. The principles upon which it is based are fallacious. A railroad operated for profit cannot be successfully regulated for service.

But granting that these two arguments are sound and that our conclusions have been logically reached, our case may still need proof in the actual operation and working out of our plan. I shall confine the remainder of my remarks to the proof that government ownership of railroads is practical in the United States.

I shall attempt to show this by demonstrating the ease with which the financial change could be made. All we would attempt to do would be to rewrite the railroad securities which are now issued in the names of the various companies throughout the country into government bonds. In either case the securities would be held by the investing public. If there is an advantage of the one plan over the other it would be decidedly in the favor of the government securities rather than those of the private

companies. As has already been shown they can be marketed at a less price than can those of any other private company. The credit of the American people is better than that of a Harriman, a Gould or a Vanderbilt. The throwing of so many securities into the direct control of the federal government would lend a stability to the financial fabric of the nation that nothing else could produce. The railroad bonds so issued would not alone be secured by the good name of the government of the United States but by the physical valuation of the roads themselves. In this way the bonds would be doubly secure and would make an ironclad investment in every respect.

Another objection to government ownership that has been often raised is that it would create an enormous national debt, which is a very undesirable situation. Altho for a time our national debt would be increased, this increase is not something to be feared. As I have stated before it would not be based entirely on the political fortunes of the government as have our debts in the past, but upon actual economic collateral. They would not be subject to the fluctuations of the past issues of bonds which were based upon the credit of the government pure and simple.

Another factor in this connection is that the cost of borrowing the money for the purchase of the railroads would be largely counteracted by the unearned increment which would come into the hands of the government under government ownership which up to this time has been accruing to the private owners. According to Clifford Thorne, Iowa Railroad Commissioner, this amounts to something like $500,000 per year. This is enough to pay the interest on the entire amount of money it would be necessary to borrow to buy up every mile of railroad in the U. S.

Again, government ownership of railroads is practicable because the Federal Government has shown itself capable of operating its business in the interests of the people. The result has been better service. Our postal and parcel post system is unequalled anywhere in the world in extent and service. The idea of the men who control it has always been service rather than profits. Our government has undertaken to build and has completed the Panama canal because the American shipper demanded it and with no thought of the profit which would be gotten out of the undertaking. This same motive of service to

the people has prompted the building of the railroads in Alaska by the government. All of these examples go to show that the primary object of the government in entering a business of any kind has been in order to give to the people better service and it has always accomplished that object. The railroads present no materially different problem than some of these other activities and the same principles applied to them would ensure the success of government ownership of the railroads. When the private companies to which the people have intrusted their public utilities fail to give them the service which they demand then the government is justified in taking back to itself that farmed out industry. This is the situation in the railroads today.

In addition to the fact that government ownership of the railroads is a practicable proposition and can be put into successful operation the running of the railroads in the interest of the public would give to the people additional advantages that the privately owned roads can never give. I will merely enumerate a few of them here:

1. The socialization of rates which has been so successful in Germany in solving their social problems could be put into operation. This could be used to a great advantage in the distribution of immigrants from our ports to the interior where their services are most needed rather than allowing them to congest in the already over-crowded cities.

2. Another advantage would be that it would give us a centralized and unified transportation system for the movement of troops in the time of war. Under the loose system of regulation the government can never obtain the operating control necessary to the most rapid and effective transportation of our army.

3. A third advantage which might be mentioned would be that the government could extend new lines into undeveloped regions as it has the parcel post regardless of the profits which the roads would yield for a few years. Private capital is reluctant to take such a risk. Thus I have attempted to show in this short time the practicability of government ownership of railroads and some of the benefits which it has over our present system of government regulation of privately owned railroads.

FIRST AFFIRMATIVE REBUTTAL

Russell Lemely, Iowa

As the debate draws to a close, let us stop to consider the exact points upon which it turns. Both Affirmative and Negative agree that that system of ownership should be adopted which will serve the interests of the public best. Let us examine, therefore, the proposal of the Negative and see whether or not the public interest will be better served through its adoption. The Negative's contentions in support of a system of private ownership of the railways with government regulation may be summed up as follows: The public interest will be better served by this system, first, because our present system of private ownership with government regulation is the best in the world; second, because government ownership of commercial enterprises must fail.

The first of these has just been taken up by my colleague. He has shown that such an argument is false because the point here is not whether our system is or is not the best in the world but whether it is as good as it can be made; that it is naturally the best in the world because there is no other in the world of its class and size and system of regulation with which to compare it. If only one specimen of a certain thing exists, it must, of course, be the best one. He has shown, moreover, that our system is not the model of perfection which the Negative has pictured; and that in safety, speed and adequacy of equipment it is far below those of the other leading nations of the world.

Turning now to the second main argument of the Negative, that government ownership of commercial enterprises must fail, we find that all their argument upon this point is based on the false conclusion that the railways, under government ownership, would be managed by Congress. Let me make it clear at once that under the system proposed by the Affirmative, the management of the railway system would not be in the hands of Congress, but in those of a Commission similar in appointment, salary, and term of office to the present Interstate Commerce Commission and Federal Reserve Board. The management of the railways and the control and expenditure of their revenue would be the function of this Commission assisted by such subsidiary

regional commissions as would be found necessary. Now let us examine the arguments of the Negative in this new light. The gentlemen have argued that government ownership of commercial enterprises must fail because the government, i.e. Congress, is too slow, unwieldy and inflexible to manage the railways. But we see that the only change under the new system would be the substitution of the Commission for the present highest managerial control. The subordinate officials and employees of the system would remain unchanged and the decisions of the Commission would be all that could have been attained by the old management in quickness or flexibility. Our opponents have argued further that the policies of the railways would get into politics, that extension and improvement of the system, rate-making and the hiring of employees would be politically fought over and determined in Congress. But this Commission, having, you remember, absolute control of all these matters, will be as non-political in character as the present Interstate Commerce Commission which the Negative dares not accuse of being a political body. The members are to be appointed by the President with the consent of the Senate, for long terms expiring in rotation, at high salaries, so that no one President will be able to appoint a majority on the Board. The revenues of the railways would be taken care of by this Board as would the matter of new depots, extension of lines, etc. We see, therefore, that the Negative's whole contention regarding graft, pork barrel appropriations and political mismanagement falls to the ground simply because there would be neither opportunity nor occasion for such conditions to exist. And let us bear in mind in this connection the tremendous political power which the railways exert upon politics and through politics under the present system as the Affirmative has pointed out this evening, and likewise the tremendous political power exercised recently by the railway employees which we have shown that government ownership will eliminate.

Now, in contrast to this Negative case, the weakness of which has been pointed out, let us glance once more at the case for government ownership. The public interest will be better served by a system owned by the people because a business, according to economic law, is run in the interest of whoever owns it; by a system which will save the people three million dollars every day

which the Negative's system cannot save; by a system which eliminates the antagonism between railways and public and between railway owner and railway employee, which antagonisms are at the root of all the evil in the present system, and are inherent in it; by a system which secures all the recognized economical advantages of monopoly without the evils and dangers of privately owned monopoly and which is practicable, workable and desirable. Ladies and Gentlemen, the government should own and operate the railways.

SECOND AFFIRMATIVE REBUTTAL

Roy Burns, Iowa

The Gentlemen of the Negative in holding that the railroads of the United States, as operated under the present system, are the most efficient in the world have overlooked the fundamental fact that no basis for comparison exists. The United States differs from all other countries in geographical, economical and social factors, thus leaving no basis upon which to make comparisons. For the purpose of furthering their own ends, the Gentlemen have compared the United States with every other country, bringing in isolated instances of alleged inferiority of foreign railway systems. Clearly such comparisons are unjust.

Yet granting that such comparisons are possible, the fact remains that the railways of this country are surpassed in many particulars by state owned lines of other countries. In point of speed it is found that this country ranks below several other countries. For average express train speed Great Britain is first, France is second, Germany third, and the United States fourth. This is according to figures from the last World's Almanac. Neither are the railways of this country the safest in the world. On the contrary, when it comes to killing people on railroads, the United States leads the whole world. S. O. Dunn, editor of the Railway Age Gazette, states that while our railway service has a great many needs, the greatest is that for increased safety. He says, "The accident record of our railways is the worst made by the railways of any first class country." In 1909 out of 891,472,435 passengers carried on the railroads of the United

States 8,722 were killed and 95,626 injured, whereas in Great Britain for the same year of 1,265,080,761 passengers carried only 1,036 were killed and 28,384 injured. Like comparisons unfavorable to the United States could be made with Germany and France. These figures appear in the statistical abstract of the United States for 1914.

Practically no basis for comparison of rates in this and foreign countries exists, yet when all factors are considered such a comparison is highly unfavorable to the railroads of the United States. Making allowance for express and mail freight, etc., the German commissioners after investigation in this country concluded that a proper figure for our average freight rate would be 1.44 cents per ton mile, while the figure for the Prussian roads would be 95 cents. Passenger rates in the United States are higher than in several other countries. The average passenger rate in the United States is two cents per mile according to the report of the Bureau of Railroad Economics for 1916, whereas the rate in Germany is under one cent and those in Hungary and France are only slightly above one cent.

But the greatest indictment of American railroads is on point of service. S. O. Dunn says in his book on "American Transportation Question" that in point of frequency of passenger service none of our steam railways . . . will compare with those of the leading countries of Europe. Passenger service in England is two and a half times as frequent as in New York, Pennsylvania, New Jersey and Maryland. S. O. Dunn further makes the statement that there are hardly two large cities in the country between which the service could not be improved. Within the last year the car shortage problem has been a serious one. The December issue of Railway Age Gazette has information to the effect that on November 1, 1916, on the railways of the United States there was a net freight car shortage of 108,000 cars. R. G. Phillipps, Secretary of the Apple Shippers Association, states that the people of Colorado, Washington, and Oregon, are suffering a severe shortage of refrigerator cars in spite of a short crop. Poor service together with conditions that sooner or later will arise out of strikes makes it imperative that the United States government take over this public service utility.

The railroads of the United States are in a poor financial and physical condition; 736 railways have gone into the hands of

receivers and 988 have been sold under foreclosure since the Civil War. In 1915 the Statistical Abstract has recorded that 12 roads representing over 20,000 miles of line went into the hands of receivers. According to the testimony of James J. Hill to put the railroads of this country in good working order that they may handle their traffic properly would require the expenditure of about $9,000,000,000 or a sum equal to one half of the present capitalization of the entire system. And yet the gentlemen contend that this system is the best in the world.

After all, the question is not whether the railroads of the United States are the best in the world, but whether the railroads of this country could not be more efficiently run under public than private ownership. It is our contention that such is the case. Already this evening it has been pointed out that the railways of this country, due to competitive evils such as circuitous routing and duplication, are wasting over $1,500,000 daily. Add to this the amount that Clifford Thorne estimates we are losing on interest that could be saved under government ownership, and the amount being lost through the accumulation of the unearned increment, and it is clear to everyone that the waste under the present system is over $3,000,000 daily. For every day that the railroads are continued to operate under the present system the American people are losing $3,000,000. For these reasons, then, Ladies and Gentlemen, because government ownership means better service and the elimination of wastes, we of the Affirmative are standing for such ownership in the United States.

THIRD AFFIRMATIVE REBUTTAL

Arlen Wilson, Iowa

As the discussion draws to a close the contentions of the Affirmative and the Negative may be summed up briefly in this manner.

The Negative case is based upon two paramount arguments. (1) That private enterprise and our system of government regulation has given us the best and the greatest railroad system in the world. (2) That the federal government as at pres-

ent constituted, is wholly incapable of operating such a mammoth commercial enterprise as the railroads.

Considering the first point, we of the Affirmative have maintained repeatedly this evening that the greatness of our railroad system is not due entirely to the system of private enterprise and government regulation. Our railroad system is great because there is no other system in the world that may be compared with it. No other country has had to meet the same transportation problems as we in the United States have had to meet. No other country in the world has made its development just at the time the railroads were coming to the front as the chief means of transportation. In other words the United States is unique in its transportation system as it is in many other respects. Our postal system handles every year over 15,000,000,000 pieces of mail; 800,000 every day or over one-third of the postal business of the world. Over 1,000 stamps are made and distributed for every man, woman and child in the United States every year. In view of these facts we of the Affirmative believe that we are justified in our contention that the great progress of our railroads is not due entirely to private initiative and private control. Other industries have had just as marvelous development under government ownership and control as have our railroads.

The indictment against our federal government as being totally unfit to operate the railroads has been adequately answered by the speaker on the Affirmative who has just preceded me. I merely wish to add one more suggestion. If our public officials are so utterly bad and governmental system is so inherently corrupt, why should we entrust the operation of our great civil and military machinery to them? Why can they succeed in building a great engineering project as the Panama canal in the construction of which private enterprise has repeatedly failed? Why entrust them to build the great Alaskan railroad if our governmental system of business is so wasteful? Why has the government of Great Britain taken over the railroads of the country in this time of great national crisis if they could not be operated more harmoniously and to the greater advantage of the public? These facts must be considered before we swallow bodily the Negative's presumption that the federal government is so utterly incapable.

On the other hand, the Affirmative have deduced from the

mass of facts concerning our transportation problem one basic principle which underlies the whole discussion. It is evident on the face of it that the railroads are of such vast importance to the people of the United States that they must of necessity be operated in the interests of the general public. The public is the heaviest loser when the railroads fail to operate. So far students of the problem have advanced two methods of operating the railroads in the interests of the public. (1) Private ownership and public regulation. (2) Public ownership and operation. The first plan is maintained by the Negative and the second by the Affirmative.

The first of these methods we have eliminated by two distinct lines of argument.

1. The economic principle underlying private ownership and public regulation is wrong. According to economic law a business is primarily operated in the interests of its owners. In order that the public interest may be first in the operation of the railroads the public must own them.

2. Thus far our private ownership and public regulation have failed to meet the needs of the people, as evidenced by the general unrest in the business world and the public at the present time in the system, and their constant clamor for some kind of a change. Public regulation of privately owned railroads can never be a success because it can never do away with the antagonism which exists between the operators and owners and the body which regulates. This antagonism is due primarily to the difference in purpose, since the one operates for profit and the other to regulate for service.

As Prof. Scharfman of Michigan has so aptly put it, our railroad problem in the United States is the problem of harmonizing the public with the private interest. We of the Affirmative believe that the best and the most effective means of doing this is by the elimination of the private interest and having the roads owned and operated entirely by the public in the interest of the public.

Negative Speeches in Debate against University of Minnesota

FIRST NEGATIVE

A. G. Brown, Iowa

Before going any further in this debate let us stop to consider the size of the problem which we are discussing. 250,000 miles of railroad, more than one-third of the total railway mileage on the globe, is involved in this problem which we are debating tonight. This represents a property evaluation of $20,000,000,000, or one fifth of all the property in the United States. The American railways employ 1,700,000 men; one ninth of all the votes cast in the last election were cast by men whose political and legal status are directly involved in the railway problem. Last year our railroads handled 300 billion freight tons of traffic and 35 billion passenger miles of traffic. The annual operating expenses of these roads is over 3 billion dollars, or more than the sum total of all the pork barrel legislation passed by Congress since this nation became a nation.

These facts make it especially necessary that there should be a distinct need for government ownership of the railroads before we can ever consider any radical change affecting this vast American transportation system.

We of the Negative shall base our general contention upon the proposition that no such need exists.

What, then, are the fundamentals of this debate? Obviously, we are not debating the theoretic relation of the government to the railroads or to the people. The question is, under which system will the people get the best service at the most reasonable rates? Mr. Kenna, author of "Railway Misrule", an authority already quoted by the Gentlemen of the Affirmative, says, "Adequate service at reasonable rates are what the people demand and what they are entitled to. They represent the sum and substance of the railway problem."

It shall be my purpose to show that no need for government ownership of the roads exists because under our present system our railways are giving us adequate service at reasonable rates with comparative speed and safety.

It is a matter of common knowledge that our railroads are now giving to the American people a highly efficient and rapidly improving service. We who are here tonight have witnessed the rapid extension of the railway net until today over one-third of the total mileage of the globe is laid in the United States. We have seen the extension of the rock road bed, doubling and quadrupling of lines, the rapid increase in the number, speed and comfort of passenger trains, the doubling of freight car capacity and tractive power of locomotives and the recent revolution in passenger service brought about by the adoption of the steel coach.

But let us examine a little more closely into our present system to see how efficient it really is. And that we may be better able to appreciate the service rendered by our railroads it may be necessary to make a few comparisons with the roads of other countries. The Gentlemen of the Affirmative may say that such comparisons are unfair because of the widely different conditions existing in these countries but if comparisons are unfair they are always unfair to the American roads. Considering the fact that our railroads pay from 50 to 100 per cent more for materials and from 100 to 300 per cent more for labor than do the European railways the wonder is that in spite of this handicap the American roads are giving us a highly efficient service at rates as low or lower than those charged by the European lines.

First let us notice that the shipping facilities offered by our privately owned railway lines is adequate. 250,000 miles of track have been laid in the United States. Compare this with the 23,000 miles in the United Kingdom of Great Britain and Ireland or the 37,000 miles in the German Empire. The United States has five and one-half times as much railway mileage per capita as has Great Britain and six and one-half times as much as is furnished the German people by the government owned lines of that Empire. Our equipment too, is adequate. Figures published by the Bureau of Railway Statistics show that between 1902 and 1913 the number of freight cars in the United States increased from 1,546,000, to 2,260,000. The average capacity increased from 23 tons to 39 tons, so that the total capacity increased 109 per cent. Compare this with the 600,000 tiny little cars operated on the government owned lines of Germany. The average capacity of these "wagons", as they are called, is only 14½ tons and two-thirds of those in operation are open cars. Thus we see that the

American people are furnished with seven and one-half times as much freight car capacity per capita as is afforded the German people by their government owned lines.

American locomotives are conceded to be the best in the world and average 90 per cent larger than those of Europe.

In the United States we have a uniform grade of passenger service which is practically the equal of first class service in Europe. In his book, "Transportation in Europe," p 89, Logan McPherson, in speaking of third class passenger service says, "It is generally so deficient in ordinary comforts that it would not be tolerated in the United States by any one able to purchase a railway ticket."

This is the third class service of which Mr. McPherson is speaking, and 42 per cent of the German people go fourth class, which is still worse.

It becomes evident, therefore, that both in mileage and equipment the private railway companies of the United States are giving the people adequate facilities. Professor Ripley of Harvard says, "The American shipper has received at the hands of the railroads a more adequate service than the shipper of any other country in the world."

The only other question is, "Are the rates reasonable?" The average charge per mile for our uniform passenger service is 1.98 cents. In European countries the service is divided into three or four classes. Howard Elliott, in his book. "The Truth about the Railroads," p 7, gives as an average of first, second and third class passenger rates in England 2.83 cents per mile and in Germany 2.45 cents. Yet second and third class service in these countries is not comparable to the uniform service of American lines.

The average charge for carrying one ton of freight one hundred miles in England is $2.35; in France $1.46, in Germany $1.42, and in the United States only 75 cents. No less an authority than Mr. M. A. Krupp, ex-chairman of the Inter-state Commerce Commission, says, "The American railways have the lowest capitalization per mile, the lowest rates, and pay the highest wages in the world."

We see, therefore, that under the present system the people of the United States are getting adequate facilities at reasonable rates.

Let us briefly consider the speed and safety of American railways. The gentleman of the Affirmative has spent considerable time in telling you that, as he said, over 8,000 persons are killed annually on our roads. But statistics from the Interstate Commerce Commission report show that approximately 60 per cent of those killed are trespassers, and are killed, not because the railroads are failing in their duty, but because local and state governments fail to enforce the law. In handling 33 billion passenger miles of traffic in 1913 our railways killed only 265 passengers. In other words, gentlemen, you could board an American passenger train and ride that train at sixty miles an hour every moment of time for more than a century without having an even chance with death on that train.

The speed of American trains has long been an established fact. With locomotives averaging almost twice the size of those used anywhere else in the world and with rapidly improving road-beds our passenger service is becoming constantly faster and more dependable. Fast freights run daily between New York and Chicago, Chicago and St. Louis, Kansas City and Chicago and other points at an average speed of over 400 miles a day. The statutory speed at which fast freight must be moved on the government-owned lines of Germany is only 198 miles per day.

It is evident, therefore, that both our freight and passenger traffic is being moved with comparative speed and safety.

This highly efficient and rapidly improving system is the product of private enterprise and has been made possible by the initiative, foresight and courage of America's greatest business men. Mr. S. O. Dunn, editor of "Railway Age Gazette" says, "There is not an officer of a railroad who does not owe his position to his experience and proved ability in his special line of work."

And yet the Gentlemen of the Affirmative would take this rapidly evolving, highly dynamic system out of the hands of the men who have made it possible and place it under the rigid, unprogressive, irresponsible control of the state. Such a step must inevitably prove disastrous. By leaving our railroads in private hands we will preserve for the country the inestimable advantage of private initiative, efficiency, resourcefulness and responsibility.

Thus far in this debate we of the Negative have pointed out that the immensity of the railway problem in this country makes

it especially necessary that there be a distinct need for government ownership before we can even consider any radical change affecting our enormous transportation system. We have shown you that no such need exists, since under our present system of private ownership our railroads are giving us adequate service at reasonable rates with comparative speed and safety. In view of these facts we believe that the railroads should be left in the hands of their present owners who have already proven their ability to handle these vast systems efficiently, economically, and for the public good.

SECOND NEGATIVE

Vergil Hancher, Iowa

Before going further in this debate tonight let us consider for a moment the magnitude of the problem which we are discussing. My colleague has already pointed out the size of the railway problem, but only when we remember that the state of Illinois has a greater mileage than the kingdom of Italy; that California, Washington and Oregon have a greater mileage than Australia; that Missouri and Nebraska have more miles than Austria; that Pennsylvania, New York and Ohio have more than France; Minnesota, Iowa and Wisconsin more than Great Britain and Ireland; and Texas, Louisiana, Oklahoma, and Kansas more than the entire German Empire—only when we appreciate these facts can we properly discuss the problem which confronts us.

They must fail in commercial enterprises in the first place because the government lacks the flexibility with which to meet business conditions. Two instances show the present inflexibility of our government. Two clocks in the post office of the city of New York lay unrepaired and idle for three months because the department lacked appropriated funds with which to make the repairs. The Government Printing Office on one occasion was shut down because there was no more money with which to continue the work. The reason for such a situation is not hard to find. No government official may spend money unless authorized by Congress. The people's money may not be spent unless the people, represented by Congress, have authorized the

expenditure. Under such a system shortages of funds are frequent, and delays, an ordinary occurrence. For this reason, a government cannot effect those economies in operation which come to the private concern through the possession of ready money and its expenditure at the proper time. Government officials are prevented from using that foresight and discretion which has made our American railway system a success.

This has proven true under actual government ownership. H. W. Bedinger says "When the government of such an alert people as the Japanese monopolizes the railways and then renders inadequate service to the public, their nationalization has not resulted in increased efficiency." In France within four years after the transfer of the Western Railway from private to state management its operating expenses increased 50 per cent, while its traffic and earnings increased only 12 per cent. In Switzerland an anticipated economy of 600,000 francs turned into a deficit of 1,700,000 francs and rates were increased as a result. The best managed state railways in the world cannot compare with the French private lines. The French lines handle 63 per cent as much passenger traffic and 77 per cent as much freight per mile with only 6 per cent as high operating expenses. The general inflexibility of government control and its attendant "red tape" has created a condition such that the public railways of Belgium, Italy, France, Norway, Sweden, Austria-Hungary, Switzerland, Russia, Australia, New Zealand, Canada and Argentina usually have failed to earn their operating expenses and interest on the railway indebtedness. A system of ownership which can do no better than this ought not to be adopted in the United States.

Governments must by their very nature fail in commercial enterprise because in the second place the policies of the government would be thrown into politics.

First as to the extension and improvement of lines. The expenditure of vast sums of money for the extension and improvement of lines gives an excellent opportunity for "pork barrel" legislation. As Senator Kenyon has said "Congressmen would under government ownership be interested in an extension of the lines to every little Podunkville in the country." All we need to do is to turn to Canada to see the results of politics upon a government owned road. The Canadian Transcontinental

was started on an estimate of $61,000,000 as the total cost. Up to September, 1911, $109,000,000 had been spent. At that time a committee was appointed to investigate. This committee estimated the cost of completion at $161,000,000. However, over $200,000,000 was spent before the completion of the road. $35,000,000 was spent in the district of New Brunswick alone in an effort to win that province to the dominant party. In total, the road cost over 300 per cent more than the original government estimate.

Ex-Senator Beveridge of Indiana made a personal tour of the Canadian Intercolonial. Evidences of political wire pulling in the management of this road are not wanting. Many stations have been built where the business did not justify them because of the demand of some local person. No one who is not a supporter of the party in power ever gets any order for supplies of any kind from the Intercolonial. Mr. Beveridge says in one part of his report "The number of trucks is a small but illuminating item. Personal inspection has confirmed the report that you may count from fifteen to twenty trucks in a comparatively small town." A man wanted for the lower grades of service is recommended by a member of Parliament or by the local patronage committee of the dominant party. These are the ways in which politics would creep into the government of our railways. Can we believe that a Congress which passes river and harbors bills providing for the sinking of millions of dollars in worthless harbors and shallow creeks and the construction of hundred thousand dollar post-offices in fifty dollar towns, refuse to spend the money for the extension and improvement of lines for purposes which are purely political? Speaking on the subject of "pork barrel" legislation ex-Senator Burton of Ohio said "The most discouraging feature of this condition is that it seems to be growing worse each year." The magnitude of our railways and their enormous expenditure of money emphasizes this danger. Because of this danger, the Negative are opposed to government ownership of the railways.

The policies of the government as to the making of rates would also be thrown into politics. The difficulties of just and fair rate making are almost innumerable, depending as it does upon conditions in the world of trade, the character of the commodity to be moved, the extent of competition, the possibilities

of the development of a line of business, and the adjustment of expenses to income. The power to make rates may in a measure determine the life or death of a particular industry. It may determine whether California or Florida fruit finds a market in Chicago, whether Buffalo or Minneapolis is the center of wheat milling, whether Pittsburg or Birmingham steel shall have the advantage in foreign markets, whether Chicago or St. Louis shall be the metropolis of the Mississippi Valley. With such things at stake, can we doubt that each Congressman will attempt to secure the best possible rates for his particular district?

Ex-Senator Bourne has said "Every section of the country and every industry would be before the managing board of the government railway system asking for reduced rates on certain commodities and between certain points. Every community would be asking for improved service, improved equipment, and extension of lines. Where the Interstate Commerce Commission has one problem to solve now, it would have ten under government ownership."

In the last place the policy of the government concerning the employment of men and the determination of wages would be thrown into politics. Government ownership tends inevitably to an increase in wages, an increase in the number of employees, and a deterioration of service. The railway employees of this country constitute practically 17 per cent of the voters of the country. Such a group must be reckoned with as was demonstrated in September 1916 when Congress stepped to the music of four hundred thousand of them. It is the natural tendency for every congressman to get jobs for his constituents and see that their pay is raised. Efficiency cannot thrive in such an environment. Switzerland found under government ownership that her railway officials increased to 1,000 instead of being reduced to 600. Her employees increased from 26,000 to 36,000 in six years. A like increase in the United States would mean a yearly addition to the payroll of 115,000 men.

Gentlemen, the adoption of a policy of government ownership would lead to extravagance and waste in the management of our railways. Our government never has stood for efficiency and until it does we cannot safely entrust it with the care of our most complex industrial organization. The solution of our difficulties does not come from government ownership. That would

only be their beginning. Reason would seem to point out the path which we have come thus far in our railroad development as the path along which the solution of our present and future problems is to come. By so doing we may retain unimpaired this great and efficient transportation system which is the marvel of the entire world.

On the occasion of his tenth visit to the United States Mr. W. M. Ackworth, the leading English authority on railroads, said, "Every time I am brought into contact with American railways the overpowering impression produced on my mind is of the marvelous results which the efficiency of the railroad men produces with the minimum expenditure both of capital and income."

In this debate I have showed that governments must by their very nature fail in commercial enterprises; first because they lack the flexibility with which to meet business conditions; and second because the policies of the government as to the extension and improvement of lines, the making of rates, and the employment of labor and determination of wages would be thrown into politics. For these reasons, the Negative are opposed to government ownership of the railways in the United States.

THIRD NEGATIVE

Orville W. Harris, Iowa

For a moment let us consider what other countries have done in their ability to financially manage the railroads.

Mr. LeRoy Beaulieu in the Paris Times has said that, "Since the Government of France bought the Western Railroad in 1909, there has been a continued deficit, in spite of the fact that while the road was in private hands, it continually paid dividends to its stockholders." This deficit has grown continually larger. In 1911 the deficit was $14,000,000. The Western Railroad is 3,701 miles long, and if we were to apply this loss proportionately to the mileage of the United States, we would find that we would have an *annual* loss of something like $925,000,000.

Mr. Pattai, President of the Austrian Chamber of Deputies, speaking of the railways of Austria, government-owned, says that "absolute imbecility has characterized the taking over of

our railroads. We must introduce business ideas into government service."

Illustrations of failure on the part of countries which have experimented with government ownership of railroads are numerous. Mr. Logan McPherson, from whom we have previously quoted, says in Volume 38 of McClure's, page 352:

"In France, Belgium and Italy, where socialistic influences are strong in the government, the number of employees of the governmental railroads has been increased beyond all reason to make place for political henchmen, with the result that expenses are going up, revenue going down, and the quality of service, from all accounts, is badly deteriorating."

Again, the efficiency of government enterprise is shown by the following, taken from a recent editorial in Collier's Weekly:

"The new central station in Leipzig, finally completed on December 1, 1915, is the largest and one of the most convenient and luxurious railway terminals in Europe. Its construction was planned approximately thirty years ago, and work on it has been going on since 1901.

"Just how well would that rate of achievement suit your town?"

These are illustrations of the ability of governments to handle this enterprise. But perhaps the Gentlemen of the Affirmative may say that the railroads of Europe are no just basis for a comparison. Let us turn, then, to the Intercolonial Railroad of Canada, of which we have already spoken. We find that the Intercolonial Railroad of Canada in 1909 lost (when we consider the interest at 4 per cent paid on this money, as was paid by the Canadian Pacific which operates through exactly the same territory), something like three millions, nine hundred sixty-nine thousand dollars. This railroad is 1,736 miles long. If we apply the same law to the railroads of the United States during the same years, we will find that we will have a deficit of something like $580,000,000 *per annum*. The only country in the world which was ever able to show a gain through the operation of its railroads was Germany, and even there the evidence is conflicting, and even though Germany is conceded to have a type of government which would ordinarily make for successful business administration in a manner that could not be attained in a democracy such as ours.

Now, Ladies and Gentlemen, do not mistake us; we are not in any way opposed to the form of our government, and we are a party in the belief that the United States government can be successful in its proper field. However, we do think that the government has its proper function, and that such proper function is to administer law. Whenever it keeps within its proper bounds our democracy can be successful, but when it steps out of its proper field it has the inability to carry on those functions which are foreign to itself. It was not instituted to carry on business enterprise, but rather for the regulation of business, as administered by private individuals.

Now, let us for a moment consider one other phase of this problem. The Gentlemen of the Affirmative are asking us to turn over to the government an enterprise costing nearly $20,000,000,000, and allow the officials of our government to manage it. What has been the success with which government officials have managed private enterprise in the past. Mr. Logan McPherson has said:

"The country has many reasons to be proud of its government, but the methods by which it has expended the public money do not constitute one of them."

On May 29, 1916, the United States Senate passed the River and Harbor bill appropriating about $43,000,000 to this form of improvement, and Senator Kenyon, in his fight against this bill on the floor of the Senate, says: "You are about to vote from the Treasury in a time of great national stress and strain, at least $20,000,000 in unjustifiable projects."

Congressman Frear reported that "over $9,000,000 of this bill goes for supposed improvements along the Mississippi River. Over $150,000,000 of government funds have been sunk in and along that river, and the commerce has decreased 90 per cent while we were squandering that enormous amount of money."

Mr. Frear also reports that "nearly $2,000,000 of the bill is for the Missouri River, on which over $20,000,000 has been spent, while the actual commerce in 1914 could have been carried by a half-dozen trains, and the average haul was for only a few miles, at a cost of $40 per ton, or more than the freight was worth.

But, let us turn to another form of government expenditure. In the 1916 session of Congress Mr. Langley introduced a bill for $75,000 for the building of a post office at McKee, Kentucky.

In 1900 McKee had a population of 106. By 1910 it had grown to 146. Its total annual post office receipts are given as $526.

Congressman Mondell of Wyoming is asking for a $75,000 postal building for Green River, which in 1890 had a population of 1723, and in 1910 had a population of 1313; for a similar building for Newcastle, which in 1890 had a population of 1715 and in 1910 had a population of 975; and for a like expenditure for the same sort of a building for Sundance, which in 1890 had a population of 515, and in 1910 had a population of 281.

Mr. Frear, on the floor of Congress, July 11, 1916, said: "Poor, miserable, wasteful schemes are hitched on to a few commercial projects in order to get votes for the bill."

Again Mr. Frear said: "The (1916) bill that passed the House was a fair sample of annual pork barrels, with public funds distributed around to practically every state for votes to put it through."

Mr. Albert J. Beveridge says: "Of course, if the government took over the railroads, there would have to be a fundamental change in the method of appropriations. The one makes the other necessary."

We might consider appropriations for thousands of dollars for garden seeds, which are worth nothing to the public, millions of dollars wasted in pensions, etc., but what we have given will illustrate the way in which the government spends its money. From the December, 1916, Review of Reviews we take this statement: "As capable authorities as Senator Burton and Senator Aldrich have estimated that at least one-third of the money expended by our nation through the government is now wasted. With the railroads suddenly taken over, over 10 per cent of this rate of waste would be financially disastrous. In the mind of the average coolheaded business man this simple consideration is the most important of all in answering the question whether we shall or shall not leave the railroads to private ownership."

May we not expect the same sort of disastrous lack of business efficiency in the spending of this $20,000,000,000? Will not each congressman want a new depot for his community? Will not a double track for his district be a sure way to secure enough votes to return him to Washington? Our contention is simply that since the United States Congress has shown its absolute inability to properly spend money, as shown by the River

and Harbor bill, and by the appropriations for Postal buildings, etc., before it could properly take care of the railroads by national appropriation there would have to be some fundamental change. Congress today possesses an absolute inability to properly spend this money.

Now, Ladies and Gentlemen, let us briefly review what has been the case of the Negative this evening. In the first place, we have shown that private ownership and government regulation has given us a railroad system the equal of any in the world as to service, rates and safety. We have shown that private ownership is able to continue the efficient service which it has already given us.

Secondly, we have shown that government ownership would not be able to continue this system because it lacks the flexibility of business organization to make it a success in business enterprise, and because railroad policies would become the football of politics.

Our third contention against government ownership and operation of the railroads is that private ownership with government supervision would be preferable to government ownership.

A change in our method of regulation is all that is necessary. The principle of regulation has not failed; rather it has been the principle of regulation that we have adopted. Mr. Sisson, member of the Executive Advisory Committee of the Railroads, says: "The evils in the present system are in the main to be attributed to the inconsistent, illogical, extravagant and wasteful system of regulation to which they are subjected; a hydra-headed, conflicting and uncoördinated supervision exercised by one federal government and forty-eight states." Mr. Henry Seager, in his book on the "Principles of Economics" says: "Although the amendments to the Interstate Commerce Act are comparatively new it seems already to be clearly demonstrated that they succeeded in their principal purpose, that is in putting a stop to discrimination in railroad rates."

Mr. Allen, in the North American Review, Vol. 197, page 8, says: "Common sense regulation seems, in the light of experience, far better than public management."

Johnson & Van Meter, in their book on "Transportation" say this: "There is no doubt that the public can procure adequate protection against unjust practices by the railroads as well by government regulation as by government ownership."

Mr. Lane, formerly of the Interstate Commerce Commission, and now Secretary of the Interior, says: "No one is yet justified in saying that regulation by the government is destined to failure or that such regulation will not bring about conditions as satisfactory to the shippers of the country and as beneficial to the nation's progress as would exist if the government owned the lines itself."

Secretary Underwood says: "We must solve the problem along the lines of private ownership with government regulation. We must consider the wisdom of substituting one master for forty-nine masters that regulate our commerce to-day."

If we may adopt the words of Judge Thom, in his examination before the Joint Committee appointed by Congress on Interstate and Foreign Commerce, which committee is still sitting:

"The great mass of these abuses have been removed; if they exist at all it is only in sporadic cases, but certainly as to those that are not removed the retention of your corrective powers will be sufficient to deal with them."

Thus we see, Ladies and Gentlemen, that regulation has not failed; the evils charged against the railroads a decade ago—over-capitalization, unjust discrimination, favoritism, etc.—no longer exist. However, to make regulation more efficient in the future the Negative would suggest certain changes. In the first place, we would permit legalized pooling, which would prevent the necessity of circuitous routing which exists today and would also check the tendency toward monopoly.

Mr. Sharfman, in his book on "Railway Regulation", says: "With the extensive powers of control now vested in the Interstate Commerce Commission, and the state railroads or public service commissions, there is little danger that legalization of pooling would lead to excessive charges."

Mr. Henry Seager, in his book on the "Principles of Economics," says: "Such a change would facilitate a more economic and stable organization of the railroad business and also lessen the temptation to discrimination."

Secondly, we would suggest that the Interstate Commerce Commission be given the power to fix minimum as well as maximum rates. This also would eliminate the danger of any discrimination.

Thirdly, we would suggest that we have one unified federal commission, which shall have entire charge of the railroads, and

by federal incorporation every railroad would come under this commission. If we may again quote from Mr. Thom in his recent examination before the Joint Committee of Congress:

"The harmony essential to the equality of commercial opportunity among all the states and all the people will be insured if all of these properties in respect to all their finances, are matters of national authority."

With these changes regulation would secure every advantage that could be secured under the plan which the Affirmative are proposing. We would have one unified system of control. We would eliminate the danger of discrimination; the danger of any tendency toward monopoly, and at the same time retain the advantages of private initiative. Consequently, we would prevent any tendency which there might be toward the railroads going into politics, such as we have pointed out would exist under government ownership.

Remember, we have shown that government ownership means improper and inefficient business management because the government has demonstrated its inability to properly manage any private enterprise. Remember, that we have shown that wherever government ownership has been tried there has been a deficit through the inability of the government to run the railroads on a paying basis. Remember, that we have shown that the losses in Canada, France, Austria, and other countries make it highly inadvisable that the United States attempt to do this work. Remember that we have shown that the railways of the United States are giving to the people more adequate service at more reasonable rates than the railroads of any other country in the world. Remember that by adopting the plan which the Affirmative are proposing this evening, we would incur a debt of some $20,000,000,000, and that this would represent a tax of something like $200 upon every man, woman and child in the United States.

As Mr. Thom stated in the examination before referred to: "The time has come for you, while retaining all of your corrective powers and processes, to add the constructive and helpful features of this system of regulation which will insure for the future the sufficiency of these facilities."

In conclusion, Ladies and Gentlemen, we have shown briefly that we have the best system in the world. We have shown that there is no necessity for any change, and the Affirmative this

evening have failed to establish any need for this proposed change. We have shown that their proposed change embodies dangers which the American Public are not justified in experimenting with. With an adequate system, wherein practically all of the evils have been corrected, we have not only grave reason to doubt the outcome of this proposed plan, but we have every reason for retaining the system which has proved entirely successful in the past.

FIRST NEGATIVE REBUTTAL

A. G. Brown, Iowa

The case of the Negative this evening rests upon the general contention that, because of the immensity of the problem a distinct need for government ownership must be shown before such a step would even be considered. And we have also shown that no such need exists, because our railways under private ownership are giving us adequate service at reasonable rates with comparative speed and safety. The only way by which the Gentlemen of the Affirmative have attempted to establish a need for this radical change to government ownership is by urging certain minor objections against our present system of private ownership and government regulation.

They have spent much time trying to show you that American railways are needlessly destructive of human life. Now what are the actual facts in the case? As we have already told you, out of the 9,893 persons which the Gentlemen of the Affirmative say were killed in 1913, figures taken from the statistical abstract show that 6,788 were trespassers and were killed, not because the railways were failing in their duty, but because state and local governments failed to enforce the law. Remember, that only 265 passengers were killed on American railways in 1915. Out of the 166 railway systems reporting to the Bureau of railway statistics in 1913, two-thirds of them reported no fatalities to passengers in train accidents for that year. These roads operated a total mileage greater than the combined mileage of the United Kingdom, Germany, France, Austria and Italy.

Furthermore, we have no assurance that life would be any

more carefully guarded under government ownership than it is under the present system. In fact, if through waste and political corruption the financial condition of the roads was weakened and the property allowed to deteriorate, as has been the case on the government owned roads of France, we have reason to believe that under government ownership our roads would be less safe than they are now. In France the six greatest railway accidents which took place during the four years ending with 1911 were all on the government owned lines, three on the Western and three on the old State System, which is only one-fifteenth as long as the systems under private management.

American railways are comparatively safe today and we have no reason to believe that government ownership would improve conditions. But the Gentlemen of the Affirmative have also urged the old objection of rate discrimination against our present system. No less an authority than Henry Seager, Professor of Economics at Harvard University said, "Although the amendments to the Interstate Commerce Act are comparatively new it seems already to be clear that they have succeeded in their general purpose of putting a stop to discrimination in railway rates." Furthermore, government ownership would not remedy the evil of discrimination. It would undoubtedly create a condition which would foster a more serious form of discrimination than that which has existed in the past. Former Jonathan Bourne, Jr., says: "The conflicting interests of competing shipping points would exist under government ownership just as they exist today. Every section of the country and every industry would be before the managing board of the government railway system asking for reduced rates on certain commodities or between certain points."

Thus we see that to put the railways under control of a government such as ours, a government which we must all admit is not free from political pull and favoritism, would only mean to bring more serious discrimination than those which have in the past existed under private ownership.

The fact remains that discriminations have been largely done away with under the present system and our railways today are giving us adequate service at reasonable rates with comparative speed and safety.

SECOND NEGATIVE REBUTTAL

Vergil Hancher, Iowa

Ladies and Gentlemen: The issues of this debate are clear cut. The Affirmative is standing for public ownership of the railroads. The Negative is contending for private ownership and public regulation. We have opposed public ownership because there is reason to believe that governments must fail in commercial enterprises, first because governments lack the flexibility with which to meet business conditions and second because the policies of the railroads would be thrown into politics. As a result there would come a deterioration in service and misappropriation of public funds. The Affirmative have stated that the same dangers exist today by our commission form of regulation and that a commission chosen to manage the government owned roads would be just as fair and honest as our present Interstate Commerce Commission. Let us examine the case to find the fundamental difference between government regulation and government ownership. If Congress passes a law requiring all freight cars in the United States to be equipped with automatic couplings, then the present Interstate Commerce Commission will enforce that law and punish violations thereof. Under government ownership, however, this commission would not only see that all freight cars were equipped with automatic couplings, but it would also determine to whom the contract for the construction of such couplings should be let. This is the fundamental difference between ownership and control and the Negative believe that government ownership would lead to the misappropriation and misuse of public funds, while public regulation will secure adequate service at a minimum of expense to the general public.

The gentlemen have argued that government ownership of the railroads is the prevailing world policy and that the United States with its privately owned system is behind the times. In vol. 51, pp. 328-9 of the Literary Digest we find that private ownership continues to prevail in the majority of countries. Among 75 nations and colonies 42 have more miles privately owned than publicly owned, 33 have more publicly owned than private, in 26 the total mileage is privately owned, in 7 the total

mileage is state owned, and these seven are Servia, Bulgaria, German East Africa, German Southwest Africa, Togoland, Kamerun, and Natal. What a precedent for the policy which the Gentlemen of the Affirmative are advocating!

The Affirmative have attempted to show that the railways of this country are naturally tending toward a monopoly and that for this reason regulation alone will be unable to cope with the situation. The tendency in the railroad world today is not toward monopoly. As Mr. Samuel O. Dunn, editor of the Railway Age Gazette says "We are today in the midst of a decentralizing process." The separation of the Union Pacific and the Southern Pacific; the dissolution of the Harriman lines; the break up of the Gould system; the separation of the Boston and Maine from the New York, New Haven, and Hartford; the break up of the Rock Island system into the Rock Island, the St. Louis and San Francisco, the Chicago and Eastern Illinois, and the Chicago and Alton; and finally the relinquishment of the Baltimore and Ohio, the Norfolk and Western and the Chesapeake and Ohio by the Pennsylvania system, all mark the tendency to drift away from monopoly. After more than fifty years of railway development the largest single system, the New York Central, controls only 13,000 miles of line, and the largest group of railway financiers only control 26,000 miles of line. When we remember that the United States has 254,000 miles of line, we see how insignificant is the basis for the fear of monopoly that haunts the Affirmative.

Our opponents by mentioning stock manipulation, car-shortage, danger from monopoly, overcapitalization and by arguing that ownership and operation of the railroads is properly a function of the government, have attempted to establish a case for public ownership. We may answer in the words to Mr. S. O. Dunn, "The theoretic relation of the government and the railroads can be debated forever, beginning with any premise and arriving at any conclusion. In the last analysis we must ask 'Which system gives the best service at the lowest rates.'"

The gentlemen point out evils in our present railway system and then turn to government ownership as a panacea without proving that government ownership will in itself give us a better railway system. Mr. W. M. Ackworth, the leading economist of England, said on the occasion of his tenth visit to the United States, "Every time I am brought into contact with American

railways, the overpowering impression produced on my mind is of the marvelous results which the efficiency of the railroad men produces with the minimum expenditure both of capital and income." This, gentlemen, is the system which the Affirmative are trying to supplant and to whose evils they are trying to get a permanent solution by public ownership, when, according to Franklin K. Lane, former chairman of Interstate Commerce Commission and present Secretary of the Interior, "'If today all the railroads of this country passed into the possession of the United States and were administered in the most efficient manner possible, there would still remain a railroad problem." We should still have to face the problem of rate-making, the employment of labor, the appropriation and expenditure of public funds, the determination of wages, and the extension and improvement of lines. As Ex-Senator Jonathan Bourne said in 1914 "Where the Interstate Commerce Commission has one problem to solve now, it would have ten under government ownership." Remember that today according to all leading economists, rebates, discriminations, stock manipulation and other evils have been reduced to the minimum. In fact, regulation has solved every problem which it has attempted to solve. The reason that problems exist today is because the Interstate Commerce Commission has no authority to deal with them. Let us give our regulatory body more power rather than turn to a new, radical, and dangerous system, that of government ownership.

Remembering that we have the most efficient railway system in the world, that governments must by their very nature fail in commercial enterprises, and that regulation has solved every problem with which it has had authority to deal, it seems advisable for us to work out the solution to our difficulties by the system which has proved its efficiency in the past rather than to resort to government ownership with all of its attendant evils and dangers.

THIRD NEGATIVE REBUTTAL

Orville W. Harris, Iowa

One of the issues in the debate has been shortage of cars. It has been the contention of the Affirmative that private ownership

has failed because of the present lack of car facilities. The American Railway Association has recently made public its customary statement of freight car surpluses and shortages. These statistics have been regularly compiled since Jan. 2, 1907. Since that time the facts show that there have been surplus cars, cars that were lying idle all of the time except for about one month in 1909, three months in 1912, one month in 1913 and the month of March in 1916. In other words, up to the present time, there was an actual surplus in all but five of the preceding 102 months.

The report also goes on to say: "The number of freight cars owned by the railroads of the country increased during the same eight years from 1,991,557 on July 1, 1907 to 2,447,178 on July 1, 1916.

Now, if we were to examine the conditions in Germany where government ownership is supposed to be at its highest point of efficiency, we would find that nearly a third of the time during the past six years there has been a shortage of cars, so acute in some instances that mines had to be closed down during a whole season. In other words, if we were to concede that the condition is unsatisfactory here, have the gentlemen of the Affirmative any assurance that government ownership of the railroads would improve that condition? The call for cars will certainly be erratic as it is today. Will the government have on hand a vast amount of surplus cars, sufficient to tide us over any abnormal condition that may arise?

This afternoon we of the Negative interviewed Mr. O. P. B. Jacobson, a member of your own Minnesota State Commission. Mr. Jacobson said: "There is a vast difference between being able to own and operate the railways of the countries of Europe, and being able to handle the vast railway systems of the United States."

We would ask you to remember that Mr. Jacobson was born and raised in a country which has government ownership of railroads, and he is familiar with the conditions that exist there. He speaks of our system as follows: "Regulation has in the main solved the problems which it undertook. There are other problems for it to meet, but there is no reason why it should not be able to solve them."

He also makes this significant remark: "I believe the railroads are more efficiently managed today, under private manage-

ment, than they would be if they were under some government body at Washington."

Now, Ladies and Gentlemen, let us briefly review what have been the issues of this debate. We have attempted to show that we have today the most efficient transportation system in the world. Private ownership with government regulation has given us an adequate system, with adequate service, at reasonable rates, and this, authorities agree, is the heart of the transportation problem. Further, we have shown that private ownership with government regulation is capable of continuing this present efficient system. Our government was not made for the carrying on of business enterprise. It does not possess the flexibility necessary for such work. There would also be a strong tendency to throw the railroads into politics, the same as river and harbor improvements are today in politics. We have also shown that wherever governments have undertaken to operate the railroads, it has resulted in inadequate service, and that the result has been a financial deficit which had to be met by a general tax. Further we have shown that regulation has succeeded in the solution of the things which it originally aimed—rebating, discrimination, and juggling of finances.

Senator J. Bourne, in an address before the National Civic Federation, December 4, 1914, said:

"I am strongly opposed to government ownership because it would be absolutely destructive of popular and representative government; because government ownership necessitates government regulation; the failure of government regulation necessitates the failure of government ownership, the success of government regulation eliminates the necessity or desirability of government ownership; and finally, that government ownership would be more dilatory, less efficient, and far more costly to the people of the country than our present system of private ownership."

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CHAPTER II

UNIVERSAL MILITARY SERVICE

OHIO STATE UNIVERSITY

RESOLVED: *That the United States should adopt universal military service.*

This is the report of the speeches made by the teams representing the Ohio State University in debate with the Universities of Cornell and Wisconsin. The Affirmative team, whose speeches are here reported, debated against Cornell University, at Columbus, Ohio, on March 10, 1917. The Negative team, whose speeches are here reported, debated against the University of Wisconsin, at Madison, Wis., on March 23, 1917. This report of the speeches was made from manuscript furnished by the debaters. Briefs and bibliography have been supplied by the editor.

BRIEF

UNIVERSAL MILITARY SERVICE

Affirmative

Introduction.

A. By universal military service is meant that every male citizen upon arriving at a certain age will be required to spend a certain amount of time in some branch of the national defense unless exempted by some provision in the law.

B. This plan is advanced as a substitute for the present volunteer system.

I. Universal military service is necessary because

A. We may be called into war in the not far distant future.

1. International arbitration is still a dream of the future.

a. Nations will not arbitrate policies that affect their own interests.

2. We have policies that may conflict with the ambitions of foreign powers.

a. The Monroe doctrine is not a dead letter.

b. Our interests in South America and the West may interfere with those of Germany and Japan.

3. We may have to fight for humanity's sake and for the preservation of democracy.

4. We have set ourselves up as the guardian of international law.

B. Our present forces are not adequate to meet the need in case of war.

1. We have only half a million men in the Federal Guard and the regular army.

2. It would take us ten months to equip an army of 500,000 men with uniforms.

3. The Panama Canal and our outlying possessions are not amply protected.

4. Our navy and coast defenses are under-manned.

C. War comes so fast today that we could not prepare quickly enough after it had been declared.
   1. It has taken England eighteen months to mobilize her resources.
   2. It took us four months to get a guard of 250,000 men to the Mexican border.

II. Universal service is the only plan that will meet our needs.
   A. Any volunteer or political conscription plan fails to supply enough men, even in time of war.
      1. Our army declined during the Revolution from 89,000 to 29,000 men.
      2. During the war of 1812, the Civil War and the Spanish-American war, the volunteer plan failed to supply the desired quota.
      3. The system has failed during the present crisis.
   B. Only by universal service can a sufficient number of men be trained in advance.
      1. The success of Germany and France has been due in large measure to the fact that they had trained men that could be mobilized at once.
      2. England, with volunteer service, has required nearly two years to get ready.
      3. The fact that the neutrality of Switzerland was respected while that of Belgium was not was due to Switzerland's plan of universal service and her 400,000 trained men.
   C. Volunteer and partial conscription plans cause an enormous needless loss of life on the part of the untrained recruits.
      1. With universal training they can be prepared in advance to take care of themselves.

III. Universal service will be a benefit.
   A. Economically.
      1. It will provide an army adequate to our needs at less cost than under the volunteer system.
         a. The young men can be trained at an age when occupation is not fixed and they have no responsibilities.

b. Time and expense can be saved in mobilization when the government knows where each man belongs because he is trained.

2. There will be no economic loss from idleness.
   a. The places of these young men in industry can be given to men now out of employment.
3. It will not upset financial and industrial conditions.
   a. The men most useful in the various professions and industries can be exempted from service and retained in their occupations.

B. Socially.
1. It does not tend toward militarism.
2. It would eliminate class distinctions.
3. It is democratic and just.
   a. Each man bears his share of the common defense.

C. Politically.
1. Universal service is in accord with our principles of government.
   a. We already have compulsory universal education, health laws, taxation, etc.
2. It is an obligation under the Constitution.

NEGATIVE

I. Universal military service is unnecessary.

A. There is little danger of invasion by any nation on this continent.

B. The causes that made universal service necessary for European countries do not exist here.
1. In every case it was impelled because of the nearness of threatening enemies.
2. 3,000 miles of ocean separate us from any powerful nation.

C. In view of the fact that any war we may engage in will be trans-oceanic our needs can better be supplied by
1. First, an adequate navy.
   a. This is now being provided for by Congress.
   b. It is justified both by our geographical position and by past experience.
2. As a second line of protection we already have a strong coast defense.

a. This is preferable to a standing army as an aid to the navy in preventing attacks.

3. These forces can be supplemented by
   a. The regular army—based on the principle of voluntary enlistment.
      (1) General McLain of the War Department reports that at the present rate of enlistment the army will reach full strength by July 30, 1917.
   b. An officer's reserve of 90,000 men.
      (1) The Hay-Chamberlain bill recently adopted by Congress provides the means to secure these officers, and without resorting to conscription.
      (2) If England had had enough trained officers she could have put her volunteer army into shape much earlier.
   c. The mobilization of our natural resources.
      (1) Our production at the present time in the necessities of life and materials for manufacture of munitions and our gold supply are much more than we consume.
      (2) These can be coordinated so as to effect transportation of equipment and munitions to our forces without delay.
         (a.) This step has already been undertaken by Congress in the creation of the recent Board of Mobilization of Industries.

II. Universal military service is unjust.
   A. To the individual.
      1. Universal service is an unnecessary burden which should not be forced on the individual, since it is not needed for our protection, especially in times of peace.
   B. To the nation.
      1. It will result eventually in giving up our old ideals of democracy, peace and liberty for the military ideals of monarchy and war.

2. To train our young men for war generation after generation will eventually bring war upon us.

C. To the world.

1. It will place the influence of the United States in the future toward war, rather than toward peace as in the past.

UNIVERSAL MILITARY SERVICE

OHIO STATE UNIVERSITY

AFFIRMATIVE SPEECHES IN DEBATE AGAINST CORNELL UNIVERSITY

FIRST AFFIRMATIVE

J. Dudley Sears, Ohio State

Tonight practically the entire civilized world is at war. Millions of men have been sacrificed. For a hundred generations the people of the earth will be paying the cost of slaughter and destruction. Cities have been pillaged—temples of art destroyed —women and children murdered. Treaties have been thrown to the winds, like mere scraps of paper; peace dreams are shattered; the world lies prostrate before the iron conqueror. Thus it seems paradoxical that we should have to come before you and plead for a measure that is absolutely necessary to the preservation of our national honor and our lives. But such seems to be the case. Therefore we present for your consideration this question: Resolved, that the United States should adopt universal military service.

The terms of the resolution are not difficult to interpret. By military service is meant actual time spent in some branch of the national defense. By universal we mean that every male citizen upon arriving at a certain age will be required to render this service unless exempted by some provision in the law. You will notice that the question as stated does not specify the length of service required or the age at which it should begin. Such details are of no importance for our purpose this evening. We are concerned about this vital and fundamental problem: first, whether or not an American citizen who receives the beneficent rewards guaranteed by our constitution has a reciprocal obligation and should defend the country's honor in times of peril; and

second, should this citizen be prepared before war comes. We contend that in times of peril it is the solemn and sacred duty of every citizen to give his life if necessary and that he has the right to be trained for war before he is called.

Before going further in our argument we wish to make clear our exact position and the precise issue inherent in this question. This proposition could very well have been stated in these words: Resolved that we should abandon the volunteer plan of recruiting our forces for defense. There are but two methods of recruiting an army—the volunteer method and the universal service method. In other words, Ladies and Gentlemen, the volunteer system tonight is on trial, and in the process of our argument we shall produce enough evidence to prove that it should be convicted of inadequacy and inefficiency. You are asked to make your choice of methods upon these two grounds: first, it must be a plan that will provide enough men for war, and second, it must train these men in advance of war. Why do I say the method must meet these requirements? I take my authority and my evidence from the battle fields of Europe. We know that in modern war a nation is drained to the very last man. Germany is sending little boys into the trenches, and England is debating sending back to the front her convalescents. England has had to send to India, Australia, Canada and South Africa for troops. Yes—the monstrous machines that go forth to the plains of battle today must be pushed by the entire man-power of the nation. Moreover, this war tells us that these men must be trained. We stand appalled at the marvelous efficiency of that gigantic German machine, surrounded by enemies, defying the world. While we do not expect to rival German military organization in America, we must remember that it is such a machine against which we may have to contend. The Great War has taught the lesson of unpreparedness in the example of England.

What did England do when she declared war on Germany? She sent to the front an expeditionary force of 120,000 men. They barely escaped complete annihilation. Then for two years we have watched England gathering her strength to meet a nation that has been gathering its strength for forty years, and it is only at this time that England is proving a factor on European soil. What did England do for officers? She gave commissions promiscuously to teachers, preachers, merchants, lawyers—to

everyone she thought capable—and sent them to oppose the military science of a century. Ladies and Gentlemen—if you accept the probability of our being engaged in a future war you must admit that we need a method of recruiting that will provide enough men and that will train them in advance of war. There are but two methods—the volunteer system and universal service. The issue is what plan will you choose; and tho the Negative may try to confuse you, we ask that you keep this extended explanation of the issue clearly in your mind.

We plead for the adoption of this measure for three basic reasons: first, it is necessary because our present forces do not meet our military need; second, universal service is the only plan that will meet our need; and third, universal military service will be an economic, social and political benefit.

It seems almost foolish to argue that we face an urgent military need, and I do not propose to elaborate on this point, but merely indicate why we may look forward to future wars.

The dawn of international arbitration cannot be proclaimed. Justice is still sought by the arbitrament of the sword. Nations will not arbitrate matters that vitally affect their own interests. National policies and ambitions will ever conflict. "Peace, peace," we have cried; and American millions have been poured into Hague palaces—but there is no peace. You and I are asked every week to send money, clothing and food to stricken Belgium, a little nation that tonight lies helpless and desolate, because Germany could declare her treaty with Belgium a "mere scrap of paper." Moreover, Japan's action in her felonious seizure of Kiaow Chow can be explained only on selfish grounds. No, nations cannot yet be trusted.

Have we policies that conflict with the ambitions of foreign powers? Is the Monroe Doctrine a dead letter? For example, should Germany establish herself in any part of the western continent to more firmly entrench her world wide military supremacy, shall we pay no heed? Already it is rumored that Germany would buy islands near our southern coast to use as a submarine base. What answer can America make to such actions? We must not forget that Germany and other countries before the war and even today possess large trade interests in South America. But in the last two years we have stepped in and taken over that commerce—the very bone of contention in the present war, and

there is every reason why we can expect trouble when the fires in Europe die out. We must defend the Monroe Doctrine in the West where Japan has large settlements in California. We think much of the talk about war with Japan is sheer jingoism, but we are dealing with probabilities.

Moreover, we are the guardians of the liberties and destiny of the western hemisphere. We have fought before for humanity and may have to do so again. Should we consent to another brutality like the division of Poland? Why do we insist on the Open Door policy in China? Why did we protest against Japan's twenty-one demands on China? We point out to you also that before long we may have to fight for humanity in a much broader and deeper sense. The present conflict that rages is a struggle against militarism—of democracy versus autocracy—and we may have to struggle to preserve our government itself. We believe, Gentlemen, that as long as the institution of militarism exists there will be wars and rumors of wars. Militarism is not yet dethroned. Thus we may expect war.

In the next place, we have set ourselves up as a guardian of international law. What shall we do, then in the face of the Ancona, Lusitania and Persia cases—where war degenerates to the slaying in cold blood of helpless and innocent children and women? Every rule pertaining to the right conduct of war has been disregarded within the last year. What shall we do—lower the flag in cowardice and shame, or with courage and honor assert our rights?

The Gentlemen tell us not to fear war—but how can they do this when our army has been for six months on the Mexican border—with Mexican revolutions threatening every day? These are some of the reasons that make plain the mandate—"in time of peace prepare for war."

Now, having rid ourselves of the delusion that this is an era of peace, we must ask the question—Have we adequate forces to meet this need? The answer is emphatically, No. I shall prove this statement to you and the next speaker will show that the only means whereby we can be adequately protected is universal military service. I do not wish to burden you with statistics, but these figures are significant. Over 30,000,000 men are under arms in Europe to-day. Most of these are trained soldiers, but we have in the Federalized Guard and regular army only one half

of a million. Germany alone before the war had stored away 12,500,000 rifles; but England had only 250,000 and this country 60,000. Do you know that it would take us ten months to equip an army of 500,000 men with uniforms? Our present industrial organization can put out only 50,000 uniforms a month. Friends, we have been asleep under the spell of our mad money making and pleasure seeking. We must awake—the enemy is at our doors —we are undefended. Why do we wait? Consider that we have 3,000 miles of coast line to defend, the Philippines, the Hawaiian and other outlying possessions. Japan has an army of veterans twice the size of our mobile army on this continent. Alaska is completely undefended. The Panama Canal, of tremendous importance strategically and commercially, is not amply protected by arms or men. Our navy is 28,000 men short, our coast defenses are under-manned, we have cavalry without horses, and machine gun companies without machine guns. Do these facts not show conclusively our total unpreparedness to meet any foe? No doubt our opponents will tell you that if our country were in actual danger we would soon mobilize our resources and that millions of men would surge to the colors. Honorable Judges, war comes so fast to-day that a nation cannot prepare after it is upon her. It has taken England eighteen months to mobilize her resources and it was not until England lost 100,000 of her bravest men that she awoke to the enormousness of her problem. War comes with a rush, Gentlemen, and we must prepare now. It was by this preparedness that Germany struck with 1,500,000 men almost to Paris in seven days; it was our unpreparedness that took four months to get the guard of 250,000 men to the Mexican border. We must prepare today.

In conclusion I wish to restate the issue of this debate. We must chose between voluntaryism and universal service. The needs of the modern war are enough men and trained men. For these two things we plead tonight. I have shown that we face an urgent military need and that our present forces cannot meet this need. It now remains for my colleague to show that universal military service is the only plan that will provide adequately for the common defense.

SECOND AFFIRMATIVE

G. R. Dorsey, Ohio State

Honorable Judges, Ladies and Gentlemen: My colleague has shown you that the United States faces an urgent military need, and that universal service adequately meets this need. It is my purpose to show that any form of preparation short of universal service is inadequate, that the volunteer and partial conscription plans—the only possible alternative—are inherently defective and cannot meet our need.

Officials of the general staff assert that in case of war we must have within ninety days a trained force of 3,000,000 men. To meet this demand our present volunteer, partial service scheme gives us a partly trained force of 150,000 men—one twentieth of the number needed.

The War College declares that Japan could land 240,000 trained soldiers on our western coast in sixty days and follow them up with 140,000 every succeeding six weeks. Germany could send 827,000 veterans in forty-five days and follow them up with 440,000 every month thereafter. England could transport her entire army in two months.

We know that they could land both from the testimony of the highest military authorities, and from the example of the Dardanelles—where the allies landed in spite of mines, in spite of submarines, in spite of underwater entanglements, in spite of excellent coast defences.

Furthermore remember, the nations of the old world make war not alone but in ententes and alliances, with all their combined military and naval power. Hence the disparity between our force and theirs is even greater. Voluntaryism and partial service have stripped us naked of defense in the presence of these war mad nations.

We condemn any volunteer or partial service plan on these three grounds: first, they do not provide enough men; second, they do not train sufficient men in advance of war; third, they cause enormous needless loss of life on the part of the untrained recruits.

Throughout our history voluntaryism has failed to give enough men. In the Revolution our volunteer army declined from

89,000 to 29,000. At the same time the British force increased from 20,000 to 42,000, and historians say that only the French regulars saved us from ruin.

In the war of 1812 Massachusetts, Connecticut and Vermont refused to supply their quota of troops. In the rebellion drafts had to be resorted to, when bounties of $600 did not secure enough recruits. Our call for volunteers in the Spanish-American war was never answered. After the raid at Columbus, New Mexico, last year the war department called for 20,000 volunteers to bring the army up to its authorized strength; and in six weeks of intensive recruiting only 4,000 were secured. Right now when we are facing war with Germany, and have been doing so for two years, we canot recruit even our present small army to its authorized strength.

The second fatal defect of voluntaryism lies in this circumstance, that while it does not train men in advance of war, the onrush of modern hostilities is so swift that we cannot prepare after war has begun. In the present struggle Germany poured a million and a half men across her border in one week. That is the way universal service nations act. England with volunteer service was not ready, and has required two years to get ready. France, however, with universal service, was able to mobilize her trained millions at once and she stemmed the tide of Germanic power. Could she have done this with any volunteer or partial conscription plan? The answer is found in the records of our own mobilization on the Mexican border. Our volunteer militia had to spend months in camp training to get ready to begin to pursue a Mexican bandit.

Why was the neutrality of Switzerland respected? Because she had universal service, which enabled her to mobilize 400,000 trained men in two and one half days. Belgium, on the other hand, disdained universal service and the million men it would have given her. She put her faith in voluntaryism and we all know the result. Voluntaryism means preparation after war has begun, and that means defeat.

The third fatal defect of voluntaryism and partial conscription is the enormous and needless loss of life which it imposes on the untrained recruits. In the Civil war four times as many volunteers died of disease as died of bullets. In the Spanish-American war fourteen times as many volunteers died of disease

as of bullets. This high mortality was absolutely inexcusable, because in the Russian war only one-fourth as many died of disease as died on the battle field. Universal training had prepared the Japanese in advance to take care of themselves.

This, Honorable Judges, is our case. The evidence shows that voluntaryism and partial service do not provide enough men. Throughout our history they have failed to give enough men. The evidence shows that voluntaryism and service fail to perform the absolutely vital function of training men in advance of war. They failed in this respect in the Revolution, in 1812, and in the Civil war. They have failed in England and Belgium in this respect in the present war. The evidence shows that voluntaryism and partial service cause enormous and needless loss of life on the part of the unprepared recruits. They failed us in this respect in the Mexican war, in the Civil war, and in the Spanish war. Therefore we maintain that any form of military preparation short of universal service is inherently defective, and cannot meet our needs.

THIRD AFFIRMATIVE

John Bricker, Ohio State

My colleagues have pointed out that universal military service is the only plan that will adequately defend this nation. This fact alone is sufficient to bring about its adoption. But I shall go further and prove that our measure will benefit the nation, financially, socially, politically.

In the first place universal military service is economically our best policy. At the beginning of this war it cost the Government $1,300 to maintain a soldier for one year. No country in the world having universal service was paying more than $350 per year. Every citizen of the United States was paying $3.10 to keep up our inefficient volunteer army of 100,000 men, while the German citizen was paying only $3.30 under the universal military system to maintain the most efficient army in the world, an army of 700,000 men.

Now this extreme difference in cost goes to the very nature of the two systems, for a voluntary army is based upon a money consideration while a universal army is founded upon a public

service consideration. Long before the gentlemen of the Negative could raise the required number of men by increasing wages voluntary service would become far more expensive than our universal plan.

It is our plan to train the youth at a time when his occupation is not fixed and he is not in a position of responsibility. At 18 or 19 years of age he has neither family nor business dependent upon his services. But at the beginning of this war there were according to the report of the Industrial Commission, 500,000 unemployed men in the United States, and even now in this day of unparalleled prosperity there are 300,000 men out of work. They are consuming but not producing. There are as many as we would have in a universal army. Take these young men and let them serve in the defense of their country, and their places in industry would be filled by these unemployed men, there would be no economic loss from idleness and every one would be benefited. If war were to be hurled upon us universal service would be financially our best policy. The government would have enough men, and would know where they belong, for they would be trained. In this way time and expense would be saved in mobilization. Furthermore, the government by having enough men, could exempt from war service the best business men, the skilled mechanic, the leading farmers, for they would mean more to the Government at home in productive industry, than on the battlefield.

Therefore, we see that under universal service, industry would not break down nor would production be curtailed, as is true under voluntary service, where the most efficient and patriotic are the first to enlist and the first to be killed.

This result is conclusively shown by the fact that Germany, completely blockaded, facing an unequal foe, has fed her own soldiers from her own soil, and in this time has perfected and produced the most deadly weapon of modern warfare—the German submarine—and universal service has made this posible. In contrast to this, we see England, with her most efficient business men, her best producers, sent to the front by volunteer service, having to cry out to the United States for food, for arms, and for ammunition, and finally we have produced for her the war-wasp with which she can effectively combat the submarine. England's whole industrial and productive fabric has been torn down

by voluntary service. Universal service is therefore our best financial policy, first because it will provide an army adequate to our needs at less cost than an army under the volunteer system, and secondly, because there would be no economic loss from idleness, and finally because in time of war it would not destroy the financial and industrial fabric of the country.

In the second place universal service would be our best political policy. It does not tend toward militarism. A universal army is made up of all the people and represents the aims and ideals of all the people creating it. The German people have been accustomed for years to follow blindly the dictates of emperor and state. The German army is the result and not the cause of Prussianism. It is the weapon of the old Bismarkian Theory of "iron and blood." We see that France, the most democratic of all the larger countries, has created a universal yet a democratic ness, and finally because in time of war it would not destroy the army inspired by freedom, and banded together, not by the love of conquest or the lust for war, but by the thought of Switzerland's safety. A democratic and rational people, as are the Americans, would create a universal army and adapt it to our ideals of democracy and to the dignity of labor. It would eliminate snobbery and class distinction and make us all Americans, for there every man would feel that he is a qualified defender of our common liberties and a protector of our glorious union. Then, and not until then, will the hyphenated citizen be no more.

We challenge the gentlemen of the Negative to show us an instance where in a country approaching republicanism, universal service has created an undue or undesirable spirit of militarism. Universal service does not create a spirit of militarism but it gives expression to our ideals of democracy. It is just and equitable, benefiting all, and all should help to bear the burden. This government protects the toiling citizen in his humble home the same as the wealthy man in his palace. Last summer the whole army was sent into Mexico to protect the citizens along the border, one of the fundamental basic reasons for the adoption of our Constitution. That constitution binds us all closely together in a social compact with common rights and obligations. The government has assumed its obligtion which gives us our rights of citizenship. Do we owe anything in return? Is there any mutuality in this contract of citizenship? Have all the citizens assumed their obligations which the government has a right

to demand? No, not until every man has borne his share of the duty to defend the nation.

The duty is equally upon all. But if war should come, you Honorable Judges, have the right from a democratic standpoint to demand that your son has an equal chance with your neighbor's son. If your son is not trained and your neighbor's son is, your son does not know how to meet the conditions of war, he has not been built to withstand its hardships, and obviously does not stand an equal chance for life. I charge that it is murderous neglect for this government to send its citizens into war upon such an unfair and undemocratic basis. You have a sacred right as an American citizen to demand equality, and voluntary service is a violation of that right. In time of peace, therefore, universal service places the burden of serving upon all citizens equally, and in time of war, it gives every man an equal chance by preparing all. Truly we of the Affirmative agree with Secretary of War Baker, that this is essentially a democratic policy.

Finally universal service is thoroughly in accord with our principles of government. We have compulsory universal education, compulsory health and sanitation laws, and compulsory tax laws. The government compels the observance of these laws by the individual even at a sacrifice of time and money, and why: Because it is for the public good. The first speaker of the Affirmative has shown that universal service is necessary for our common defense and for the public good. I have shown you that one of the basic reasons for adopting our constitution was to provide for the common defense. Therefore, universal service is not only in accord with our ideas of government but is an obligation under the constitution. It is the highest duty of patriotism. To bear arms in defense of the nation is the supreme test of citizenship. The last question asked a foreigner seeking naturalization in this country is "Will you bear arms in defense of your adopted country?" We of the Affirmative maintain it is American to place that same acid test before every citizen and assure this government through universal service that every citizen has made ready for that supreme demand and duty, and has in time of peace prepared for war. Our policy of universal service is therefore politically best because it tends away from militarism to democracy, and is in thorough accord with our principles of government.

Therefore, Honorable Judges, since we have shown you that

there is an urgent military need for universal service, and that no other system will meet that need, and finally that when we adopt this system it will be an economic, a social, and political benefit to the United States, we ask that you adopt the only system that time has tried and proved to be an adequate means of defense.

FIRST AFFIRMATIVE REBUTTAL

J. Dudley Sears, Ohio State

Ladies and Gentlemen: We have been charged by the Negative with demanding an expensive system; with saying that our system is necessary by showing that we might become the prey of alliances; with stating that a land invasion is possible and even probable; and with showing that the sea is no longer a barrier. We maintain that in all these contentions we are right.

Is the system of universal military service really expensive? If we compare the cost of maintaining one soldier in the United States with one in any of the nations of Europe where universal service is used, we find that ours is by far the most expensive. The volunteer system costs twice as much per man as the universal service. The average cost of training a soldier in the United States per year is $1,300. To support an army the size of Germany's would cost on the basis of our present army $750,000,000 per year. Compulsory service on the same basis would only cost $1,250,000.

Is theirs not the expensive plan when they propose to pay every soldier a good salary besides this $1,300 annual individual upkeep? Does their scheme not call for greater expenditure of money? Their scheme advocates keeping a paid army, a mercenary army, a hired army in this land of America. If our plan should cost a few dollars more, would it not be worth it in order to have at our disposal a sufficient number of healthy trained men who could rush to arms at a moment's call?

Alliances can easily be made. Particular desires in the heart of some nations lead to strange and sudden bonds of love or hate. As the desire to control Constantinople, as the desire to gain possession of the Suez Canal, as the desire for land in Africa has led to many secret plots, just so might our Panama Canal, and our rich internal resources lead to great intrigues against us.

Gentlemen, universal military service is the only effective way to meet such conditions. By advocating a strong army our opponents would have you believe we oppose a navy. I wish to state here that we are firm belivers in a navy; but back of our navy should be a well trained army of such size and strength as only our plan will give.

Our opponents do not long dwell on the possibility of a land invasion. They simply close their eyes and ask you to do the same as they—pass over this danger. Can you not see that they realize only too well that England might easily invade us through Canada, or that Japan could readily win the sympathy of hostile Mexico, and get a footing against us there? Would our friends of the Negative advise sending a fleet into the fields of Canada or the mountains of Mexico? The idea that we are isolated from the rest of the world is a huge joke. Europe with all her fleets and well trained armies is only six days distant. At this day and age of the world when distances are constantly shrinking we can no longer put up the plea of isolation. We must take our place beside the other nations of the world and share our duties and responsibilities with them.

Honorable Judges, I ask you to consider the warlike conditions existing today. Who knows when we may be called upon to defend our fields and our homes? Surely we are not going to allow ourselves to be fooled by the idea that any invasion must come from across the sea; that we can stand on a pinnacle isolated from the rest of the world. Let us prepare for emergencies, and then are we most likely to escape. Let us adopt universal military service.

SECOND AFFIRMATIVE, REBUTTAL

G. R. Dorsey, Ohio State

Ladies and Gentlemen: The last speaker has told you that our plan is un-American, undemocratic and unjust. Let us consider these charges and see whether they are fair or not.

We agree with the Negative that we are not a warlike and aggressive people, but we cannot agree to close our eyes to surrounding dangers. Saying that we are in no danger of attack

does not make it so. For years we have been hated by the Mexicans. They have not forgotten the march of General Scott; they have not forgotten the days at Vera Cruz; they have not forgotten our search after Villa. One needs only to realize the actual state of affairs to see how easily some foreign power could win the aid of Mexico against us. Are not our power and resources enough to cause jealousy? Nations do not become jealous of weaklings.

Our plan of universal service is pictured as undemocratic. Our opponents choose to compare the democracy of our plan to the democracy which would underlie the law that each person should wear a green coat. Gentlemen, there is no comparison between a system of universal military service and green coats. If you will agree with me that our system of taxation is democratic, then you must also admit that universal service is democratic for they are based upon the same principle. In every organization there are a few fundamental duties that must rest equally upon each individual. I ask you if our national defense is not such a fundamental duty?

Neither is universal military service unjust, as our opponents try to point out. In fact any system short of universal service is the really unjust one. Let us take a simple illustration. Farmer Brown's son has had two years of military training. Neighbor Smith's boy never had such training. The nation becomes involved in war, and calls for volunteers. Both boys respond to the call. Farmer Brown's boy understands army life and the art of war and therefore has a great advantage over neighbor Smith's boy. Brown's boy knows from experience how to care for and protect himself. After the war he comes safely home. Smith's boy knows nothing of self protection and defense. Long before the war is over he is destined never to return. I ask you whether justice has been rendered in each case? Would their scheme which causes unequal chances for life not be far the more unjust?

Moreover, I maintain that according to their system a great many lives would be needlessly sacrificed. Scores would have to pay the price of ignorance, where if they had had some training they might easily have been spared. Shall we even consider a scheme which is so obviously unjust and murderous. Friends, our manhood is too precious to have it ruthlessly slain as the

price of ignorance. Universal military service would protect our fields, our homes; it would be just to every individual; it would not allow useless slaughter on the field of battle. These are facts. Therefore let us adopt universal military service.

THIRD AFFIRMATIVE REBUTTAL

John Bricker, Ohio State

Ladies and Gentlemen: We of the Affirmative have been charged with advocating a plan that would not meet the present need. The gentlemen are contending that our plan would not suffice in an immediate war. In that case we would have to suffer for our past neglect, but is that a reason for further neglect? We are advocating a permanent plan, the need of which is shown by the present world situation. The only reason it would not meet an immediate war is because it would not have time to be established.

Our opponents choose to call our plan un-American. That word, which is a great joy to the Negative, is both undefined and misapplied. If it is un-American to follow the advice of Washington and in time of peace prepare for war; if it is un-American to follow the advice of Lincoln and "arm our country's manhood for our country's sake"; if it is un-American to follow the advice of that patriotic lover of peace, William H. Taft, and "not let the few patriotic serve their country for the indifferent," when the obligation is upon all; if it is un-American to adopt the only method of defense which history has shown to be reliable, then and then only is universal service un-American.

We have assumed the burden of proof which developed upon us in this debate and we have met that burden of proof by showing that we are faced by an urgent military need, and that universal service will meet this need, first, by producing an adequate standing army and a navy as a peace establishment, and second, by providing a trained and organized citizenry as a reserve in case of war. We have further pointed out that no system short of universal service will meet this need for the reason that no other system has proved adequate in time of peace, and that all other systems must fail in time of war.

Finally we have proved to you that universal service would

be an economic advantage for the reason that it would meet our military need at less expense than any other system, and that in time of war it will maintain our industrial efficiency; that it is a social benefit because it develops a stability of character which makes for social progress, and that it is politically our best policy because it frees us from military caste and gives full expression to the American ideals of democracy.

We plead, Honorable Judges, that in passing upon this resolution you consider every man the equal of every other man both in rights and duties, that you consider our danger and defenselessness, that you consider the opinions of the leading men of every class and the fact that they have endorsed universal service. In short, we plead that you adopt this resolution.

NEGATIVE SPEECHES IN DEBATE AGAINST UNIVERSITY OF WISCONSIN

FIRST NEGATIVE

H. R. Brentlinger, Ohio State

We are living in unprecedented times. Half the world is locked in deadly combat, five million lives have been sacrificed, and war debts of billions of dollars have been piled up. In the midst of this turmoil we must not permit ourselves to be carried away by jingoism. We must remember that we are conservative—that our past policy has not been militaristic. Our dependence has been not upon vast armies, but a powerful navy and adequate coast defenses, supplemented by a small army constructed on the principle that it is the right of the individual to determine whether he shall choose army life in time of peace. Our opponents propose to abandon this well-established policy of one hundred and forty years. They would substitute a system in which every man must spend a part of his life in the army. Their plan is, in short, permanent conscription in time of peace.

Now we realize the possibility of our becoming involved in war. We stand with our opponents in the demand for preparedness. But we believe that preparedness can be had without adopting this obnoxious scheme of universal military service. The issue of this debate, then, becomes: what plan of preparedness shall we adopt? Upon our opponents devolves the burden of proving, first, that our present system is inherently wrong and cannot be made effective in the future; and second, that universal military service is inherently right, and moreover, that it is the only system that will provide adequate protection. Unless they establish these two contentions, they cannot ask for your support.

In opposing this proposition, we of the Negative will show, first, that universal military service is unnecessary; and second, that it is unjust.

We have admitted the possibility of war. Let us examine the nature of the danger that confronts us. It is obvious that we have no fear of invasion by Canadian forces, for Canada has only one-twelfth our population. Mexico is likewise so manifestly

inferior in population and resources that we have no danger from that quarter. This may be asserted of all the South American republics, for Brazil, the largest of these, possesses a standing army only one-fourth the size of our own. Thus we are not obliged to arm against an attack from nations of this continent. Any possible attack must come from the other hemisphere. In other words it must be a trans-oceanic war.

The problem of this debate obviously becomes what kind of defense should we have against this danger of a trans-oceanic war? Our opponents contend that universal military service is the only plan that will protect us. It is obvious that separated by two great oceans from any considerable power we are immune from the probability of an over-night invasion against which continental Europe is compelled to arm. The system of universal military service was instituted under entirely different conditions. Germany was the first of modern nations to adopt it. There it was obtained by the influence of Bismarck, to support the divine right of kings. Then France, separated from Germany not by a great ocean, but by an imaginary boundary line, was compelled to protect herself against her neighbor, and adopted the same system. Russia, on the opposite side of militaristic Germany, was likewise compelled to protect herself from an overnight Teutonic invasion. The very next year Italy and Austria-Hungary were compelled by reason of their contiguous position, to follow their neighbors. Even little Switzerland, as the Swiss writer, Julian Grande, explains in his recent volume, "A Citizens' Army," was obliged to adopt this plan because she was surrounded by neighbors much more populous and powerful than herself. Thus in every instance, this drastic measure was impelled by the nearness of threatening enemies. This is not our position, for 3,000 miles of ocean separate us from any powerful nations, and since such is the case our preparation must be different from that of militaristic Europe.

Our need is first for a large navy. A war with either Germany or Japan must be a trans-oceanic war. The very nature of a trans-oceanic war involves vast problems of transportation of troops and supplies, the maintenance of military bases, the keeping open of lines of communication by sea, and the replacement of exhausted men and equipment. A hostile fleet is dependent

upon its land bases for its coal and other supplies. Its radius of action is even limited by the duration of its coal supply. If, therefore, a fleet is to be free to carry out its mission, it must possess a base of supplies in the waters where offensive operations are contemplated. Now, Honorable Judges, I submit the fact that neither Germany nor Japan possesses a base of supplies within three thousand miles of our shores. The first phase of any trans-oceanic war, therefore, would be essentially naval in character. We of the Negative contend with President Wilson that, "A powerful navy is our proper and natural means of defense."

What have we done to meet this need? Last year Congress adopted a comprehensive three-year naval program designed to secure a navy second only to that of Great Britain. The second installment of this policy was provided a few days ago, when the naval appropriation bill was passed, authorizing the expenditure of $535,000,000 or nearly four times the annual appropriations previous to 1914. Included in this bill are provisions for the construction of three super-dreadnaughts, one battle cruiser, three scout cruisers, fifteen destroyers, fifty-eight coast submarines, and ten fleet submarines, as well as an aviation fleet to co-operate with the navy. This vast appropriation, the greatest national defense measure ever voted by an American Congress, passed the Senate by unanimous consent. When the bill was before the House of Representatives for consideration, it was proposed to substitute for it a universal military service bill, but we charge you to remember, Honorable Judges, that this suggestion was overwhelmingly defeated. Congress recognized the logic of providing a fleet to repeal an over-seas invasion.

Our opponents contend that even this defense measure is insufficient. However, instead of enlarging upon the system which is designed to prevent the invader from landing on our shores, they would place emphasis on a supplementary line of defense, a standing army. On the contrary, we of the Negative maintain that our navy should be such that no enemy would be tempted to establish herself upon our soil; and that this navy, our first line of defense, should be so enlarged as to meet our need, namely, that of being the chief basis of our preparedness.

This is only carrying to its logical conclusion the policy which

our representatives adopted early in the present war. It is the policy that terrorized the mistress of the seas in 1776, when John Paul Jones circled the British Isles and frightened British commerce from the ocean. It is the same policy that won fame for Captain Hull of the frigate "Constitution" and Commodore Decatur of the "United States" during the war of 1812; and it is the policy that in the Spanish-American War humbled Spain outside of Santiago harbor and won Dewey's victory at Manila Bay. In the present war, England's position as mistress of the seas is due to this policy. German fleets have been bottled up in her own harbors by England's superior navy. Thus the German fleet has been rendered incapable of inflicting damage on England or any of England's allies. Witness the unfortified northern coast of France; England's navy alone has saved it from an invading force. England tho separated from continental Europe by the narrow English channel alone, has found a navy sufficient defense. Then should not the United States separated from these nations by the broad expanse of the Atlantic Ocean not be more justified in depending upon a navy? We propose that the United States construct its defense upon the principle that is justified both by our geographical position and the experience of the past, as well as by the events of the present war. But besides our rapidly growing navy, we already possess as our second line of protection a strong coast defense. Fortifications protect our principal harbors and strategic points, and 30,000 men of the regular army have been detached to man these defenses in Continental United States alone. Neither has the defense of our outlying possessions been neglected.

Elaborate defenses have been constructed at Cavite, commanding Manila Bay, in Hawaii, and the Panama Canal Zone. No less an authority than General Miles asserts that the latter defenses are impregnable. Thus we already possess a second line of defense which could easily supplement our navy in preventing a landing on our shores.

Summarizing my argument, I have pointed out the nature of the danger that confronts us, a trans-oceanic war. In order to defend ourselves against a trans-oceanic war a navy is our first line of defense. We have proposed that our navy be strengthened to repel any invasion. We have already supplemented this by our coast defenses as a second line of defense. My colleague, the second speaker for the Negative, will show what additional

lines of defense we propose. In view of these facts, we contend that universal military service is unnecessary and should not be adopted.

SECOND NEGATIVE

Edward Davidson, Ohio State

The issue this evening is what constitutes adequate preparedness? My colleague has stated that in the consideration of this question we must remember the fact that 3,000 miles of ocean separate us from any formidable neighbor in either Europe or Asia, and because of this natural separation our principal aim is to keep the enemy away from our shores. In short, we must prevent invasion. My colleague has shown also that a large navy which is our only logical first line of defense, reinforced by well minded and well fortified coasts, are the essential means necessary to prevent invasion.

Our plan of preparedness, with this large navy and adequate coast defense, further provides three other lines of defense. There is first, the regular army. This army is recruited and based on the principle of voluntary enlistment, as has been our entire military system in the past. The gentlemen of the Affirmative propose to discard this principle and substitute in its place universal military service. They propose conscription in time of peace. This is wholly unnecessary because the system based on voluntary enlistment will provide enough men for the regular army. In support of this contention I would refer you to the report of General McLain of the War Department which states that present enlistments are increasing at the rate of 5,000 a month and that by July 30th, 1917, the full strength of the army as authorized by law will be recruited. This clearly shows that the system based on voluntary enlistment does provide enough men for the regular army, which makes unnecessary the adoption of conscription in time of peace. But even admitting that our citizens do not readily enlist in the army in time of peace, it is easily seen that this is not due to any inherent defect in the voluntary system. The fault lies in the lack of sufficient pay accorded a private. Why should the gentlemen of the Affirmative expect a man to enlist in the army for a salary of fifteen dollars a month when he can remain in his own community and do such menial

service as ditch digging and receive from two to two and a half dollars a day? Why our own government pays the mail clerk in the postal service one hundred dollars a month, and the necessary number of mail clerks are recruited. Why? Because they are paid what their services are reasonably worth. Therefore if you will pay the private what his services are worth, you will likewise recruit the necessary men needed in the army. In view of these facts we propose that the present inadequate pay of the private be raised from fifteen dollars to a sum commensurate with the value of his services in ordinary industry in time of peace. This will procure the necessary men needed in the army without having to resort to so obnoxious a system as conscription. This concludes the third line of defense, the regular army.

Now we have shown that our need is not large standing armies in time of peace, but we admit that it is desirable to train each year a large corps of officers. To better understand this proposition let us look at England. At the beginning of the war she had her regular army of 200,000 and enough officers for that army only. But 4,000,000 men volunteered and she did not have the officers to train them. What was the result? Even after two and a half years of warfare she has been delayed in the use of these volunteers, because she was compelled to train her officers after the war began. Now a volunteer can be quickly whipped into shape for active service, but an officer requires a long period of technical military training, which makes it imperative that he be trained before war has begun. In view of these facts we propose as a fourth line of defense: an officers reserve of 90,000 men. According to the Army War College, to train and care for a volunteer force of 1,000,000 requires 30,000 officers. Therefore this reserve of 90,000 will provide sufficient officers in time of need to train 3,000,000 volunteers when they are called in the actual defense of the country. To secure these 90,000 officers in the reserve, it is not necessary to adopt universal military service. The Hay-Chamberlain bill, recently enacted by Congress, provides the following means to secure these officers, based on the system of voluntary enlistment; first, enlargement of all national training schools as Annapolis and West Point and also national control of private schools as Culver and St. John. Those regulars of the army whose enlistments have expired can be used in this reserve. And according to the report of the Adjutant

General there were 61,033 of these expired enlistments between 1910 to 1914. Further, by act of Congress, June 30, 1916, the President is empowered to call these men into the service. The bill further provides for the training of officers in this reserve of the students in the universities and colleges of the country, especially the land grant colleges such as this university and our own, Ohio State, where military training is required of those students attending. According to the report of the Commissioner of Education there are 217,000 students who are eligible for this training. By paying the students as the bill already provides, an adequate pay for taking this training, a large number of those who are working their way through school can be induced to enroll for this service, as it does not interfere with their college course. Therefore, by the above authorized means, based on voluntary enlistment, more than the 90,000 officers required in the reserve can be secured without the aid of conscription in time of peace, which therefore makes the adoption of universal service for this purpose unnecessary. This officers reserve corps concludes the fourth line of defense in our plan of adequate preparedness.

As a fifth line of defense we propose the mobilization of our national resources as for example our industries, such as Bethlehem Steel, Midvale and United States Steel Corporations. These can manufacture more munitions of war than we can use, because we have the essentials necessary in the manufacture of munitions such as iron ore, copper, coal and chemicals, in unlimited quantities. As to our financial resources, we have a greater supply of gold than that of Germany, France and England combined. Now we can't be starved in a war of privation, because our yearly production of grains and cattle and sheep, which mean food, clothing and leather, all necessary and essential to sustain a nation of able bodied men, is more than we consume.

What we propose is the coordination of these so as to effect transportation of equipment and munitions to our forces without delay or confusion. We can state however that this step has already been taken by Congress in the recent creation of a Board of Mobilization of Industries. On this board are such men as Frank A. Vanderlip, head of the largest banking institution in America, the National City Bank of New York, and Samuel Gompers, head of the American Federation of Labor. This

board has already coordinated 20,000 industrial organizations in the United States, and because of their constructive work the confusion and delay attending the recent mobilization of our forces on the Mexican border will not be repeated. This concludes the fifth line of defense, the mobilization of our national resources.

In our preparedness we must remember that there are over 19,000,000 able bodied men of the ages 18 to 45 who are subject to service in time of need. And Honorable Judges, conscription is unnecessary to secure their services in the actual defense of their country. The same patriotism which prompted their forefathers to defend their homes and honor, will likewise stir our American manhood to their duty when their rights and honor are invaded. To summarize our argument thus far: my colleague has shown that in our plan of preparedness a large navy is our only logical first line of defense, and that this navy reinforced by well mined and well fortified coasts is the essential means necessary to prevent the invasion of our shores. I have further shown that our plan provides a regular army, whose strength is that authorized by law, as a third line of defense; an officers reserve corps as a fourth line of defense and the mobilization of our industries and resources as the fifth and concluding line. These are the means necessary for adequate preparedness. But, Honorable Judges, we have also shown that the necessary men needed to man our ships and recruit the regular army can be satisfactorily secured by the system based on voluntary enlistment, that we can likewise secure more than the 90,000 officers for the reserve by the same system, and that this system of voluntary enlistment has furnished a Board of Mobilization of Industries. These facts show that the system based on voluntary enlistment is not only successful in securing the means necessary for adequate preparedness but also shows that universal military service is not the only system that can provide these means for defense. For these reasons we contend that conscription in time of peace is unnecessary and that the proposition should not be adopted.

THIRD NEGATIVE

Ralph Laughlin, Ohio State

The question for discussion is not whether we should have preparedness or not have preparedness, but, rather, what constitutes adequate preparedness.

My colleague has shown that universal military service is not necessary for we can secure adequate protection by the plan which we have proposed which is based on an American principle, and which does not contain the objectional features of universal military service.

I will now show that universal military service is unjust to the individual, to the nation and to the world. First let us take it up from the standpoint of the individual. As we have already shown universal military service is not necessary for the adequate protection of our own rights and property. Even the Affirmative will agree with us in the statement that it is a principle of our government that we shall not intrude upon the rights and property of other nations. Therefore, since universal military service is not necessary to protect our shores from the intrusions of others, and since it is opposed to our principles that we should not intrude on the rights of others: then universal military service is unnecessary and to force every able bodied man in the United States to train for such an army is an unnecessary burden which will lead to an injustice. The Negative admits that the country has a right to call upon every citizen in time of need, but we would point out to you that even in 1863 when this country was facing a great crisis and when grave dangers surrounded us, Lincoln was slow to call for conscription. We would call your attention to the fact that it has only been in the last few months that England has adopted a like measure, despite the grave situation which she is facing. And yet our opponents would call for permanent conscription, not as preparation for some emergency but as a permanent principle of government. We point out to you that such an innovation is an unnecessary burden and will be unjust to the individual.

Second, universal military service is unjust from the standpoint of the nation. No matter how inherent in a nation lies the principles of democracy, liberty and peace, if you force upon that

nation an institution founded on monarchy and war, the people will give up the ideal of their old principle for the ideal of their new practice. Give a small boy books to read and he will become a lover of books with his ideals and ambitions in books. Put the small boy in the out of doors and his ideals, his ambitions and happiness will be that of nature. So, place the young men of America practicing for war generation after generation, and their ideals, their ambitions and their happiness will be in war. Bismarck has said in speaking of universal military service, "The very endangerment of the peace lies in the very foundation of the institution." Europe today is living out the results of universal military service. Speak of universal military service and you think of but one nation. Speak of the cause of this great war and the same thought flashes vividly across your mind. These are the facts that convince us that to train the young men of America for war generation after generation, is but to bring war upon us. This we point out would be unjust to the nation.

Lastly universal military service is unjust to the world. Today we are facing a great crisis. Lloyd George has said "England will fight until militarism is crushed." The Allies are giving life, liberty and property to crush that cursed institution which even Bismarck admits is the outgrowth of universal military service. United States is in the balance. Shall we who have hitherto been the leader of peace, now turn and become the leader of war? If we accept the proposition which the Affirmative propose here this evening, we will dvelop in this nation an army far greater than Germany has ever conceived and thus we will develop a militaristic spirit of greater magnitude. Shall we who have been the outstanding exponent of peace and humanity turn and become the outstanding exponent of militarism and war? Shall the curse of the next generation be the militarism of America instead of that of Europe? We point out to you that to bring about such a condition would be unjust to the world itself.

Now we have shown that the issue in this debate is not whether this nation should have adequate protection, or not have adequate protection, but rather what constitutes adequate protection. We have presented to you a plan built upon American principles which will give this nation adequate preparedness without placing upon it the burden and objectionable features of universal

military training. This plan consists of first, a large and well equipped navy as our only logical first line of defense against any dangerous enemy, which must come from some distant continent; second, well fortified coasts and harbors as our logical second line of defense; third, a standing army as is now provided—of two hundred fifty thousand men well equipped and trained to the efficiency to which short time enlistment men can never attain; fourth, an officers reserve corps to be prepared to train three million men in any time of need; and lastly, the mobilization of our industries to supply these outposts of protection with food and munitions in time of necessity. We have pointed out to you that the Affirmative proposition is unjust to the individual because it places upon him an unnecessary burden. It is unjust to the nation because it will lead the nation into war. It is unjust to the world because it will place the influence of the United States toward the continuation of war instead of toward the development of peace.

FIRST NEGATIVE REBUTTAL

H. R. Brentlinger, Ohio State

Ladies and Gentlemen: So far not a single argument has been advanced by either gentleman of the Affirmative which was not fully answered by us in our main argument. They contend that the system of universal service is necessary; they contend that we need soldiers and that the volunteer system has failed to produce them. They claim that the United States is not isolated; that the seas have proven to be a byway instead of a barrier. They argue that foreign alliances might be made against us at any time. These are some of their contentions.

From the very beginning of this argument we have agreed with the Affirmative that we need greater protection. Our plan provides for greater protection, but we of the Negative are not in favor of the scheme devised by the Affirmative. No one is more desirous of having our homes and our lands firmly guarded than we of the Negative, but we do oppose any obnoxious scheme to obtain this protection.

Our opponents say we need men for the present crisis. They

seem to be arguing for some emergency plan. Is their plan not a slow way of meeting that emergency? What we are proposing is a plan that will serve in time of peace and war; a plan that will easily give us ample protection by its five simple lines of defense. Why keep all of our young men in the army during two or three of the best years of their lives, when by having a good officer's reserve they can be quickly moulded into soldiers?

Our navy which is second only to that of England is able to hold off any foe till this training can be fully accomplished. If at any time we need more men for the army we can obtain them by paying for their services, the same as you and I pay to have our clothes cut and fitted. We have no trouble in getting men to work for us if we reward them according to their services. That is a part of our plan.

But has the volunteer system failed? Our opponents would have you believe that men will not enlist. I would call your attention to a statement made by the war department itself. It says that the army will be recruited to full war strength by July 20. Neither is our navy under-manned. Any statement to the effect that it lacks recruits is not supported by the facts, for the report of the chief of Bureau of Navigation tells us that the necessary men for the navy as authorized by law are recruited, and that there are at present more applicants than can be accommodated. These facts clearly show that the volunteer system does provide enough men for our navy. The mere fact that England adopted universal military service as a war measure is no argument in its favor as a permanent system. We stand opposed to conscription in times of peace.

Is the United States not isolated? If the narrow English channel has isolated England from the continent, who will say that we are not isolated by the Atlantic Ocean? If the narrow English channel has proven a barrier would you call the broad Atlantic a by-path?

Our opponents point out that foreign alliances might be made against us. Europe has always attempted to maintain a balance of powers. If any foreign nations attempt to league against us, there will on the other hand be an equal number leagued with us. Our plan of defense would meet all possible attacks or alliances.

Gentlemen, we ask you to consider the adequacy of our plan. It provides for sea power, for coast defense, for a regular army,

for a large corps of well trained officers, and a mobilization of our industries. Are these not better than a mere army on land—and conscription in times of peace?

SECOND NEGATIVE REBUTTAL

Edward Davidson, Ohio State

Ladies and Gentlemen: We charge the gentlemen of the Affirmative with attempting to burden us with universal military service, a scheme which is un-American, undemocratic, and unjust. We have attempted to show all this in our previous speeches. We have shown that universal military service is un-American in that we are not a warlike and aggressive people. Our opponents ask us if we did not resort to universal service in the Civil war. I ask them if we did resort to universal service in the war of the Revolution, in the war of 1812, in the Mexican war, or in the Spanish-American war. Their only possible answer must be, No. Has not every war from without led to an abundance of volunteers? Did not drafting lead to rioting during the Civil war? Gentlemen, the American people are only too willing to give their lives to their country when her honor and safety are at stake. The very idea of adopting universal military service is an insult to American manhood.

We have come to believe that it is not necessary for every man to know how to make his own clothes, that it would be an expensive policy to teach every man how to bind books just because he reads them. I ask you whether it would not be just as foolish to require every man to know how to be a soldier when perhaps his generation will never see a battle. Our plan provides for regular soldiers, and a corps of officers who could soon train an army if need be.

Our opponents put up the plea that universal service should be adopted because it is democratic. It is democratic in that each man would have to give two or three of the best years of his life to the army.

It is just as democratic as it would be democratic to require each man to sole his own shoes, or shave his own face. The mere plea that universal military service is democratic carries little weight. That everyone must wear green coats, or carry

canes would be just as democratic—namely that each person would have to do it.

Think of the injustice of such a scheme. It would be good for the boy whose ambition was to become a soldier. Suppose, however, that your son wanted to become a doctor or a lawyer, does he want to spend two or three years in military service, away from every line of his future work. Then think of the injustice to thousands upon thousands of just such boys. Surely, Gentlemen, there is a more satisfactory and just means of defense than this one proposed by the Affirmative.

I submit to you the five lines of defense proposed by us and ask you whether they do not furnish adequate defense without all the attendant injustice of universal service. America must decide this issue. Let us decide it in a sensible and logical way. Let us not adopt a scheme for defense which is un-American, undemocratic and unjust.

THIRD NEGATIVE REBUTTAL

Ralph Laughlin, Ohio State

Ladies and Gentlemen: Our opponents would have you adopt a system of defense which would create a vast permanent army; they would neglect the barriers that would keep the enemy from our shores. We again call to your attention that the first two lines of defense provided for in our plan are a strong navy and a well established coast defense. Our plan embodies the idea that it is safer and more economical not to allow foreign troops to land than to defeat them after they do land. We are proposing a plan that will not allow any foreign nations even to think it possible to touch our shores with hostile troops. Our navy is second only to that of England, and our coast defenses are among the finest in the world. When the allied fleets of England, France and Italy could not overcome the coast defenses of the Turks, do you think that any foreign nation 3,000 miles from its base could overcome our defenses? What then is the idea of imposing upon us this unjust and obnoxious scheme whereby each male citizen must serve in the army in the time of peace as well as war? At present our government is building

railways all along the coast, so that our forces and defense can be quickly mobilized at any point of attack.

Universal military service would create such a large army that foreign nations would at once become suspicious of our actions. For the past three years we Americans have been wondering and theorizing what is back of Japan's universal service. Because Japan is building up an army, there are those in America who are convinced that she is planning an invasion against us. Just so, if we adopt this scheme of making every man a soldier, we will create hostility among even our most friendly nations.

We have shown you that universal service would create a large army which would create a strong military party, and that this militaristic spirit might easily lead us to aggressiveness. We have pointed out how any attack upon us must come from over the sea, and that a navy is our greatest need. We have proven that the volunteer system has not failed and that the army will soon be recruited to full strength, whereas the navy already has more applicants than it can use. In short we have tried to make plain that universal service would not be desirable, but that our five lines of defense namely, the mobilization of our industries, the officers reserve corps, the regular army, the coast defenses and an adequate navy would constitute a far more desirable plan.

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CHAPTER III

COMPULSORY ARBITRATION OF RAILROAD LABOR DISPUTES

COE COLLEGE

RESOLVED: *That Congress should establish a permanent board of arbitration with compulsory powers to arbitrate and to settle disputes arising between employers and employees of railroads doing interstate business, constitutionality conceded.*

This is the report of the speeches made by the teams representing Coe College, in debate with Cornell and Grinnell colleges, all of Iowa. The Affirmative team whose speeches are here reported, debated against Cornell College at Cedar Rapids, Iowa, on March 7, 1917. The decision in this debate was two to one in favor of Coe College. The Negative speeches were delivered on the same evening against Grinnell College, Grinnell, Iowa. The decision in this debate also was two to one in favor of Coe College. This report of the speeches was prepared from manuscript furnished by the debaters.

BRIEF

COMPULSORY ARBITRATION OF RAILROAD LABOR DISPUTES

Affirmative

Congress should establish a permanent board of arbitration with compulsory powers to settle railroad disputes; because,

I. Present conditions show a need for compulsory arbitration; for,
   A. It is needed to settle the disputes between the organized workmen and their employers; for,
      1. The strike is inadequate, and unjust; for
         a. It is expensive to all concerned.
      2. Voluntary methods are inadequate; for,
         a. They fail to settle strikes.
         b. Standing alone they are unjust in their demands.
   B. It is needed to settle the disputes between the unorganized workmen and their employers; for,
      1. The strike, inadequate and unjust as it is, depends upon organization for its effectiveness.
      2. Voluntary methods also depend upon organization.

II. Compulsory Arbitration is practical; for,
   A. A workable plan can be devised; for,
      1. The United States could be divided into industrial districts.
      2. A federal arbitration commission could be created.
   B. The awards could be enforced; for,
      1. The parties could be placed under a contract liability.

III. The Government has the right to interfere in a mandatory way in railroad disputes; for,
   A. The railroads have become a national necessity.

B. The interests of both the railroads and the public demand that labor be regulated; for,
   1. The railroads are already regulated.

IV. Compulsory arbitration is the logical way to solve the problem; for,
   A. It is the method in use today for the settlement of disputes between man and man.
   B. The principle has been applied in enforcing the decisions of the Interstate Commerce Commission.
   C. It would narrow its own field; for
      1. It would encourage the use of voluntary methods.

Negative

Congress should not establish a permanent board of arbitration with compulsory powers to settle railroad disputes; because,

I. There is no successful precedent for its establishment on such a large scale; for,
   A. It has failed to eliminate the strike; for,
      1. Strikes have increased in Australia.
      2. Strikes have increased in New Zealand.
   B. The compulsory feature has failed in Canada; for,
      1. It has failed to eliminate the strike
      2. It has not met with the approval of the laboring class.

II. There is no general agitation for it; for,
   A. All parties concerned are opposed to its adoption; the public, capital, and labor.

III. It would prove impractical in operation; for,
   A. It would be physically impossible to enforce the law; for,
      1. The great number of employees could not effectively be fined and imprisoned.
   B. Its enforcement would prove undesirable; for,
      1. The use of force on our railroads would be detrimental.
      2. It would destroy the labor union.
   C. By failing to remove the causes for strikes, it would not eliminate the strike; for

1. It would actually widen the breach between capital and labor; for
   a. It would throw the balance of power into the hands of the radical labor leader.
2. It only deals with the strike after it has occurred.

IV. Compulsory arbitration is wrong in principle; for,
   A. Wages and conditions of labor cannot be regulated by law; for,
      1. Our industrial system depends upon competition.
      2. The questions involved are too complex.
      3. There is no standard, by which a wage rate could be determined.
   B. Many disputes involve non-arbitrable principles.

V. A better method of settling disputes can be devised; for,
   A. A permanent Federal Investigation Commission would meet all requirements for industrial peace; for,
      1. The element of compulsion would be avoided.
      2. It would remove the cause and need for strikes.
      3. Disputes could be dealt with in their embryonic stages when all conditions are favorable for settlement.
      4. It meets with the endorsement of all parties concerned.

COMPULSORY ARBITRATION OF RAILROAD LABOR DISPUTES

COE COLLEGE

AFFIRMATIVE SPEECHES IN DEBATE AGAINST CORNELL COLLEGE

FIRST AFFIRMATIVE

Duane Kidder, Coe

Ladies and Gentlemen: "Transportation is a problem that lies at the very foundation of our efficiency as a people. The railways are indispensable to our whole economic life." These words spoken by the President of the United States emphasize the importance of the question under consideration. For the purpose of this discussion the problem has been stated thus; Resolved: that Congress should establish a permanent board of arbitration with compulsory powers to arbitrate and settle disputes between steam railways, doing an inter-state business, and their employees. Constitutionality conceded.

In opening up the constructive argument for the Affirmative it shall be the purpose of this speech to show that the present existing conditions demand compulsory arbitration. No intelligent discussion of the question of compulsory arbitration can be carried on without a realization of this fact; that the problem of settling labor disputes arising between the twenty per cent of organized workmen and their employers is a totally different and distinct problem from that involved in the disputes arising between the great eight per cent of unorganized workmen and their employers. Any method, which recognizes only the rights of the twenty per cent of organized employees fails to meet the greater portion of the problem. In order to more thoroughly analyze the two problems, we shall deal with them separately.

In the first place, Ladies and Gentlemen, let us consider only the disputes and conditions that exist between the twenty per-cent of organized workmen and their employers. Why is compulsory arbitration needed in their case? It is needed because the present methods are either undesirable, inadequate or unjust. There are now in existence two means of settling disputes. The first of these methods is coercive in its nature and includes such methods as strikes and lockouts. These methods rely on force for their effect, and are not only inadequate and unsatisfactory in their results, but absolutely dangerous and detrimental in their operation. A few statistics as to the number and cost of strikes from the general field of industry will show what alarming proportions they have assumed and how undesirable they are as a method of settling disputes. During the fiscal year ending October first, 1911, the total cost of strikes to the world was one billion dollars, and the United States suffered the greater share of the loss. The great Anthracite coal strike alone cost the United States one million of dollars. It has been estimated that a greater loss resulted from strikes on our railroads alone last year than from destruction by fire. During the first half of 1916 there were 1,719 strikes and lockouts in this country. Think of it, Ladies and Gentlemen, almost 2,000 strikes in one half a year. Think of the saving that could have been effected if these strikes had not occured. The saving to the employer, the employee, and the general public, for all three parties are the losers in this great industrial warfare. Apply these facts to the field of transportation, and you can readily see what a detrimental effect a strike would have on our transportation systems. Take the following five strikes since 1906: The Illinois Central Railway Co. lost six million dollars in a strike that involved ten thousand men. The freight handlers strike in New York lasted only three days and cost $78,000. The Bangor and Aroostook strike lasted only one day and a half and cost $16,000. The Illinois Central had another strike involving nine thousand men, while the Chicago freight handlers' strike involved six thousand men, lasted five months and tied up business in the city of Chicago for two weeks. Certainly such a condition is not only detrimental to the railroads, but absolutely unjust to the men who conduct the greatest transportation system in the world. The worker must pay heavily for the strike.

Even though a strike may be successful it is an extremely costly method to the worker. For example, in the Michigan copper strike of 1913 the tramway operators received an advance in wages of 38 cents a day. Considering the number of days lost during the strike, it will take the tramway operators four years to get back the amount of wages lost during the strike. The public is also made to suffer because of the strike. It is estimated that in the last brickmakers strike of Chicago, the general public sustained a loss of $88,000. The loss to the public through a strike on our transportation systems could not be measured in dollars and cents. Just a short time ago the city of New York was threatened with a milk and food famine because transportation was stopped into that city for a very few hours by a snow storm. During the strike on the Harriman system in 1911, freight could not leave the cities of Memphis and New Orleans for a total of forty-one days. For the sake of the general public more than any other party is compulsory arbitration needed. For when four hundred thousand employees can threaten to tie up transportation on the railroads of this country, paralyze industry, and leave thousands in cities without food, the problem of settling labor disputes becomes of as vital importance to the general public as to either of the parties directly involved in the dispute.

The terrible seriousness of the strike problem on our railroads especially, has given rise to the second means of settling disputes of organized labor, namely mediation and conciliation as illustrated in our Erdman and Newlands act. The position of the Affirmative in regard to these present methods is that standing alone they are inadequate and unjust. They are inadequate because they fail to cope with the present situation. We call your attention to the failure of the Newlands law to settle the threatened strike of last August. In the words of Victor S. Clark, a United States investigator into the labor conditions of both Canada and Australia, "Voluntary conciliation laws fail when most needed. They have failed in Canada as completely and conspicuously as they failed in our great railroad dispute last summer." Again quoting from Richard T. Ely, a noted economist, "But for the most part these voluntary boards of conciliation and arbitration have shown little ability to cope with the real situation. They have achieved enough to justify

their existence but not enough to warrant the acceptance of voluntary arbitration as an adequate substitute for the evil." We find that in New Zealand under conciliation and arbitration during the period from 1910 to 1915, there were 694 disputes of which 466 were settled by voluntary means, yet to quote from M. B. Hammond of Ohio State University, "It would be a great mistake to conclude that New Zealand has no need for compulsory arbitration courts." Compulsory arbitration is needed not to supplant voluntary arbitration, but merely to supplement it, and to be useful to settle only those disputes that cannot be settled by peaceful means. In brief, compulsory arbitration is needed to settle the disputes between the 20 per cent of organized workmen and their employers. The Affirmative are opposed to these voluntary methods in the second place, because standing alone, they are unjust in the awards that are rendered. The party having the greatest bargaining power, which in the majority of cases is the employer, will always dictate the basis of the award. To quote the voluntary arbitration board of 1912, which had under consideration the dispute between the locomotive engineers and fifty-two Eastern railways: "There is no attempt on the part of the mediators to make a judicial decision wholly on the basis of equity and justice. The primary purpose is to bring the parties together and avert a strike." Therefore, Ladies and Gentlemen, we must go one step further and compel those employers and employees to arbitrate who refuse to settle their differences by peaceful means. Industrial peace can only come through industrial law, and compulsory arbitration lies at the foundation of all industrial law.

Now let us leave the field of organized labor and enter that of the unorganized. Here we find that compulsory arbitration is even more urgently needed. We must remember that the present methods of settlement, that is strikes and voluntary arbitration, unjust and inadequate as they are, are peculiarly dependent upon organization for their operation. Statistics show that the unorganized workman strikes once to his union brothers fifty times. Therefore the 80 per cent of unorganized workmen are left without any effective means of even protesting against their wages and working conditions or of settling differences between their employer and themselves. According to the union scale of wages for 1913 only seven per cent of all the organized

workmen in this country received less than $19 per week, while according to Professor Nearing, an economist, three-fourths of all the male adult workers in the United States received less than $12 per week. Now if practically all the union men receive over that amount while three-fourths of all the adult male workers in the country receive $12 per week, it follows that it is the unorganized workmen that are under-paid. Being weak and unorganized they cannot conduct a successful strike. Being unorganized they cannot induce their employer to consider voluntary arbitration. Thus we see that the unorganized laborer has no means of protecting his rights. A system of compulsory arbitration such as the Affirmative are standing for would assure to both parties a just method of settling their disputes. To quote again from M. B. Hammond, "If I had to choose between compulsory arbitration and the industrial anarchy that exists in places in this country, I should unquestionably prefer compulsory arbitration, because I know that the lowest grade of workers would obtain by it comfortable working conditions and at least subsistent wages."

In conclusion it has been the purpose of the Affirmative thus far to show that the present existing conditions demand not only a remedy, but the remedy, compulsory arbitration. In so doing we have pointed out; first, that compulsory arbitration is needed to settle the disputes between the 20 per cent of organized workmen and their employers, because strikes and lockouts are a very undesirable means of settlement; that voluntary methods, standing alone, are absolutely inadequate and unjust; secondly, we attempted to show that compulsory arbitration was needed to settle the differences between the unorganized laborers and their employers. For these reasons, we maintain that a system of compulsory arbitration is needed in the United States.

SECOND AFFIRMATIVE

C. Earl Williams, Coe

Ladies and Gentlemen: Thus far in the debate this evening the position of the Affirmative has been this: That the present methods of handling disputes are unjust to all parties concerned, that they do not recognize the rights of the unorganized railroad employees, and that they do not make the interests of the public the determining factor in settling railroad disputes. In continuing the debate for the Affirmative, it shall be my purpose to show that compulsory arbitration should be adopted, first, because it is practicable, and second, because the Government has the right to interfere in a mandatory way in disputes between railway employer and his employee.

Compulsory arbitration is practicable because a workable plan can be devised. The first principle of our plan would provide for a division of the United States into industrial districts, which shall be co-extensive with the present federal district courts. Each district shall have a court presided over by a federal arbitration judge, appointed in a manner similar to that of the appointment of any federal judge. These district courts shall have complete jurisdiction over all labor disputes arising within their own territory. The second principle of our plan provides for the creation of a federal arbitration commission whose organization shall correspond to the present inter-state commerce commission. This commission should have complete jurisdiction of all labor disputes involving more than one district. Thus the threatened railroad strike of last August would have been referred to this commission. Thus we see that a simple workable plan for compulsory arbitration of railroad disputes in the United States could be provided.

In the second place, compulsory arbitration is practicable because the awards and decrees of these courts can be enforced. We have already seen that this system would be inaugurated through federal legislation. Many people have argued that the success of this plan is assured by the fact that it is inaugurated by the federal government. We of the Affirmative, however, would suggest that the plan can be made more practicable and enforceable if the two parties can be placed under a plan of pure contractual liability, on the same basis as two individuals to a

contract. The law would provide for a definite contract to which the employers and employees covered by the law must become parties.

The substance of the contractual agreement is that the parties bind themselves to perform the part which each has agreed to. For instance, Jones contracts to build a barn and agrees that in case he for any reason fails to carry out the contract according to specifications he shall forfeit a stipulated sum. Later when the barn is half finished he stops and refuses to proceed further. The court will not compel Jones to finish the barn but it will say that for his failure to abide by the contract, the stipulated damages shall be paid. This is identical with the plan of the Affirmative. Thus employer and employee can be made to become parties to the contract on strict and accepted legal principles.

Having seen that there is a need for compulsory arbitration and that it is practicable, we further contend that compulsory arbitration should be adopted because the government has a right to interfere in a mandatory way with disputes between the railroad employer and his employee. Private rights must cease when they become public wrongs. In Chicago during the last week before the 4th of September the trains were running all night bringing provisions into that city, which on the following Monday, under the decree of the Brotherhoods, was to be blockaded. The city was to get no milk, no wheat, no food or any sort. It was to be starved out. Under such conditions, is it not within the power of the Government to provide a method by which such blockings can be prevented?

The railroads have assumed a position of tremendous importance in our national life. Quoting from Blackmar and Gillon in their text-book on Sociology, "So essential has the railway system of the nation become, that if it should cease to operate for ten days, business would be completely stagnated, and people in the large cities would starve for want of the actual necessities of life. The right of the Government to have such a utility operated safely, efficiently, and continuously, is a legal right paramount to either the rights of capital or labor." In the words of Victor S. Clark, "The private right to strike of any group of citizens, whether employers or employees, the right to impose its demands by unregulated force, must cease as soon as it becomes a public wrong.

The Government has the right to interfere in a mandatory

way, in the second place, because the interest of both the railroad and the public demand that labor be regulated. The railroads are already regulated. They are told what rates they can charge. Their liability as a carrier of goods is that of an insurer. Suppose the employees on a certain railroad should decide to strike. Although the law will excuse the railroad for temporary delay, or for refusing to accept goods, it is nevertheless liable for any damage done to the goods because of the strike.

Consider the action of the railway employees in 1910, when their leader Chief Stone, demanded an increase of wages from 52 eastern managers, and they refused, he said, "If you do not reconsider and grant our request, I will call out 30,000 men and not a wheel will turn east of Chicago." The managers were forced to submit. When 400,000 men can threaten a tie-up in our transportation system and force Congress to pass legislation within two days, then the Affirmative maintains, Ladies and Gentlemen, that some regulation of this force is necessary. On the railroads, we must recognize the difference between legal theory and economic fact, between the legal right to strike and the actual impermissibility of striking. Employees must remember that when they enter the employ of the railroad they become an employee of the public. An engineer ought to feel that his position is just as honorable as that of the railroad president. If the law can say to the president, "You must run your trains this way; You must not employ your men for more than a certain number of hours; You must give a certain type of service;" then it can also, equally direct the engineer to perform his contract. The obligation to serve, so long dictated to the railroads must now be brought home to the employees as well. If railway regulation is good for the managers it is also good for the employees. Compulsory arbitration will impress upon the employees a duty similar to that impressed upon the railroads today.

In conclusion, I have attempted to show that compulsory arbitration should be adopted because it can be made to work out in practice, and because the government has the right to interfere in a mandatory way in railroad disputes. Remember that on the railroads the principle of free bargaining, whether individually or collectively, is subordinated to public necessity, and that the position of the employers and employees on the railroads is no longer analogous to that in other industries.

THIRD AFFIRMATIVE

Ralph H. Clements, Coe

Ladies and Gentlemen: Let us consider, by a contrast of the arguments on both sides of the question this evening, just what are the main issues in this debate and the position of the Affirmative in respect to these main issues.

The first speaker on the opposition has maintained that there is no need for compulsory arbitration of railway disputes. He points out there are two problems to face—disputes that *threaten* to result in strikes, but never actually reach that stage—and disputes that actually result in strikes. For the former, he maintains that naturally no remedy is needed; for the latter he claims that such a radical measure as compulsory arbitration would be unnecessary, since strikes are on the decrease. He points out that in 1914 only three strikes of any consequence occurred.

Now let us consider those two problems. Ladies and Gentlemen, we are not presenting compulsory arbitration as a peaceful settlement of disputes alone, but also as a *just* settlement of disputes. For this former class—"these disputes that threaten to result in strikes" we of the Affirmative advocate compulsory arbitration. My first colleague has pointed out how present voluntary methods as they stand, are unjust, that they need the clinching pressure of compulsory arbitration to make them more just. In other words, we are advocating compulsory arbitration as a means of making a more just settlement of these disputes that threaten to become strikes—to provide an instrument that will step in and provide a way for the great unorganized 80 per cent of employees to achieve a just settlement of their disputes.

So much for the first problem, and the need of compulsory arbitration to settle its difficulties; what about these disputes that actually result in strikes, but which the Negative claim are on the decrease. The gentlemen have quoted Samuel Gompers as saying strikes in the future are improbable. Just to show that this is a debatable proposition, let me quote from John Mitchell, who says, "The danger of a strike in the case of public utilities has been gradually lessened by the Erdman act—but has not ceased to exist." Thus we see that in its last analysis, compul-

sory arbitration is really needed most urgently for both types of problems outlined by our opponents.

The second speaker has set forth the contentions that compulsion is undesirable, and impractical. Ladies and Gentlemen, we must not forget, as my colleagues have pointed out, that we are debating a proposition dealing with public utilities, and that the government has a right to step in in a mandatory way and compel continuity of service on these public necessities.

The second speaker has failed to apply his practical objections to the plan as proposed by my second colleague. We are not proposing an Australian plan or a New Zealand plan but a plan based upon recognized principles of American legislation. And we call your attention to the fact, Gentlemen, that until the opposition have applied their objections as to the practical features of compulsory arbitration to the plan as proposed by the Affirmative, they have failed to establish their case.

Now, Ladies and Gentlemen, contrast these objections, the error in the logic of which we have just seen, with the case as presented by my colleagues of the Affirmative. My first colleague has pointed out how present voluntary methods as they stand, are unjust, that they need the clinching pressure of compulsory arbitration to make them more just. My second colleague has shown that the government has a right to step in in a mandatory way and compel continuity of service on public utilities.

We have next to consider, that compulsory arbitration is the next logical step. Compulsory arbitration is not a radical measure; it is founded on a principle that has been evolved by years of successful experience in the determination of justice, the culmination of which is our modern Civil Courts. What has been their history?

When civilization was having its beginning in the days of the caveman, self redress was the standard of settling disputes between man and man. Two parties to a disagreement would settle their difficulties by means of force. Later as civilization advanced and standards of justice became recognized, a few of the more intelligent would call in an impartial neighbor to listen to the facts in the dispute and render his decision according to the justice in the case. But altho preferable to the self redress principle, this method proved ineffective, and finally society demanded that two parties to a dispute should bring their case to

a civil court, listen to a determination of the facts, and abide by the decision of this impartial tribunal.

Gentlemen, the same development has been going on in our industrial system. We have the primitive self redress principle exemplified in our barbarous method of strikes. We have the impartial third party or neighbor method exemplified in Voluntary Arbitration. And we have reached the time when society no longer will tolerate this laggardness in the field of industrial justice, and demands that parties to an industrial dispute shall bring their case before an industrial court, listen to a determination of the facts, and abide by the decision of that impartial tribunal.

Prof. Ballantine, Dean of the law school of the university of Illinois, in an article "Evolution of legal remedies as a substitute for violence and strikes" says, "We regard ourselves as the product of a highly civilized age, yet we take complacently . . . many relics of barbarism notably private war and strikes as a method of asserting economic rights." "The principal stages in the establishment of judicial tribunals as a substitute for violence, self-help and private vengeance seem to be first the furnishing of opportunity for voluntary acceptance and choice of peaceful arbitration" which we already have, "and . . . the making of submission of disputes to arbitration compulsory."

Dean Wigmore of Northwestern says, "The next mass of material to come before our courts is that of industrial disputes."

But furthermore we find that this same step of compelling obedience to the awards of justice has already been taken in one element of our industrial field. We refer to the enforcement of the decrees of the Interstate Commerce Commission.

Thirty years ago the railroad corporations assumed such unregulated power in the bargaining field that the government was forced to create an Interstate Commerce Commission. This Commission was to investigate the rates, wages and profits of the companies, weigh the evidence on both sides, and make their decision as to the passenger and freight rate. But without the power to enforce their decisions the Interstate Commerce Commission was helpless, and the Railroads continued to abuse their unrestrained power. What was the result? Congress by the passage of the Hepburn Bill in 1906 decreed that obedience to the decrees of the Commission should be made compulsory.

And our Civil Courts and our Interstate Commerce Commis-

sion stand as powerful silent evidence of the logic that might no longer is right, that the awards of justice should be enforced, in other words, that compulsory arbitration is the next logical step.

But let us go a step further. Imagine this step taken. Imagine compulsory arbitration established along the lines outlined by my second colleague. Then, Ladies and Gentlemen, both employers and employees would realize in the course of the administration of this court, that unless they settled their dispute peaceably and with justice by themselves, the case would go to the compulsory arbitration board for a just settlement. Naturally then under compulsory arbitration voluntary methods would increase, and the compulsory arbitration board would act as a clinching pressure to stimulate the number and the justice of these voluntary methods. What has experience taught us in this regard? The very fact that we have Civil Courts where a stronger party must submit his over claims to justice has resulted in thousands of cases being settled peacefully and justly outside of court.

Take the experience in New Zealand. While the application of compulsory arbitration in that country bears no analogy to this question as far as practicability is concerned, yet let us see how the added step of compulsion has affected the voluntary methods. In the six years of the workings of this law, only 98 out of the 694 disputes, or practically one-seventh were referred to the Compulsory Board. Mathew B. Hammond of Ohio, investigator to New Zealand, summed up these facts as follows, "The truth of the matter is that the one great reason why the conciliation commissioners have been able to secure so many voluntary agreements from the disputants is that these disputants realized that unless they did reach an agreement, the dispute would automatically go to the arbitration court for settlement."

FIRST AFFIRMATIVE REBUTTAL

Duane Kidder, Coe

Ladies and Gentlemen: Let us see how the argument now stands for the Affirmative. In the first speech it was our purpose to show that the existing conditions demand not only a remedy, but the remedy compulsory arbitration. First, because the means now employed by the 20 per cent of organized workmen, such as strikes and lockouts, were unsatisfactory, dangerous and detrimental in their operation, and that the voluntary methods standing alone without the compelling force of compulsory arbitration were inadequate and unjust. Second, we attempted to show that compulsory arbitration was needed in the case of the unorganized workman; being weak and unorganized he had no opportunity to successfully operate such methods as we have, unsatisfactory as they are.

The second speaker for the Affirmative told you that it was the duty of the government to provide a law enforcing the arbitration of disputes on our railroads. This was not only to protect the public from a paralyzing of business, but also to protect the railroads because of their liability as an insurer of goods. The second speaker also suggested a plan for the enforcement of compulsory arbitration, not a plan such as is in operation today in New Zealand or Australia, not a new and untried principle but a plan based on American principles of government, a plan of contractual liability similar to the workmen's compensation laws already in operation in a number of the states.

The third speaker made it plain that compulsory arbitration was the next logical step. People no longer settle their differences by force but by reason. He also showed that compulsory arbitration would narrow its own field, in the same way that civil actions have been decreased in our civil courts by individual parties. When disputants found that it would be necessary for them to go to a court where justice would be given them, the stronger party would be willing to meet the smaller one in a fair way. Voluntary arbitration would be increased, not the kind of voluntary arbitration we have today, but a voluntary arbitrary arbitration backed by the clinching pressure of compulsory arbitration.

Now Ladies and Gentlemen, the Negative have asked what

we would do with the so called inarbitrable principles. Let me ask, how are they settled today? Either by strikes or lockouts. Are the Negative in favor of these methods? Would they have these disputes settled by reason or force? The gentlemen of the Negative seem to think there is no need at the present time for compulsory arbitration, that the present methods of settling strikes and lockouts are adequate. As I have stated before, strikes and lockouts are not only unsatisfactory in their operation but absolutely dangerous and detrimental to every one concerned. Voluntary methods are inadequate for the very fact that they are voluntary. When both parties are in a mood to arbitrate voluntary arbitration is a success, but at the time of strike neither party is willing to consider such methods. Take for example, the threatened strike of last August; voluntary arbitration failed decidedly because one party refused to arbitrate. Voluntary arbitration besides being ineffective is unjust to the workmen because only a very small per cent of the workmen who run our railroads are affected, only the 20 per cent of organized men. As I quoted from Dr. Van Hise of Wisconsin University, who stated that there was no attempt on the part of the mediators to make a decision wholly on the basis of equity and justice, allow me to quote from John Mitchell, an ex-labor leader, who says, "In the case of railroads engaged in interstate traffic, it might become necessary for the Federal government to compel such railroads to arbitrate differences with their workmen." Allow me to quote from Martin A. Knapp, ex-judge of the United States commerce court. He says, "We have little to do with the merits of the case, our business being merely to keep the traffic open."

Thus we see, Ladies and Gentlemen, that our present methods are unsatisfactory, ineffective and unjust for settling disputes, whether arbitrable or inarbitrable. Above all the rights of the public are not considered in our present system. Statistics tell us that one person in every ten in the United States is dependent upon the railroads for his or her living either directly or indirectly. For these reasons we maintain that a system of compulsory arbitration should be established, as we have stated before, not a system such as is in operation in other countries but one based upon American principles of government.

SECOND AFFIRMATIVE REBUTTAL

C. Earl Williams, Coe

Ladies and Gentlemen: The gentlemen of the Negative have contended that compulsory arbitration cannot be enforced, first because the men will not obey the decrees of the court, and secondly, because there would be no adequate means of punishing them when they failed to do so. They call your attention to the difficulty of fining or imprisoning four hundred thousand employees. These arguments are aimed at compulsory arbitration as it is known in New Zealand and Australia, and do not apply to our contract plan, which provides a means of enforcing the decrees of an arbitration board and provides a certain definite penalty for failure to abide by the decision of the board. But they have said that our plan is impracticable because it would be impossible to obtain the necessary signatures to the contracts. Ladies and Gentlemen, it would not be difficult to secure the necessary signatures to these contracts because it would be to the advantage of everyone concerned to enter into the contract. It is self-evident that the railroads would enter the contract because at present they are subject to the demands of an uncontrolled body of organized labor. It would be to the advantage of the unorganized 75 per cent to sign because it would give them a practical and efficient method of securing a just wage. At present they have practically no method of securing industrial justice. Finally, it would be to the advantage of the organized 25 per cent upon whom the Negative have based a large part of their argument. It would be to the advantage of these organized men because it would insure them a just wage without the necessity for costly strikes. The gentlemen have told you that the organized laborers would be opposed to such a plan. We contend that such opposition would not be nearly as strong as the Negative would have you believe. Such opposition as does exist is largely aimed at other forms of compulsory arbitration than the one which we propose. In other words, present opposition is aimed, not at the principle of compulsory arbitration, but at its application. Victor S. Clark, a man familiar with labor conditions in this as well as other countries says in regard to this contract plan, "The railroads would wel-

come such a plan and the workmen would undoubtedly be well satisfied with it."

In the state of Michigan, the contract plan has been tried in application to industrial insurance. Within a short time after the law went into effect over 95 per cent of the men had signed the contracts in spite of the fact that there was bitter objection to the law before its enactment.

But the Negative have argued that the men would not abide by these contracts even if they were signed. We contend that the parties involved would abide by the decisions of an arbitration board under this plan because it would be decidedly to their advantage to do so. It would be to their advantage, first, because if they do not abide by them they forfeit their liability fund. Besides this they would invariably lose their pension and priority rights. It would be natural for the men to abide by the decisions of the board because they would be just, the public would know they were just, and the employees would not dare face this public opinion.

In conclusion, I have endeavored to show that the arguments advanced by the gentlemen against the practicability of enforcement are not valid because they do not apply to our contract plan. Finally, that the contract plan itself is a workable one because no insurmountable obstacle would be met in obtaining signatures to the contracts and because it would be to the advantage of the men to abide by the decisions of the Board.

THIRD AFFIRMATIVE REBUTTAL

Ralph H. Clements, Coe

Ladies and Gentlemen: Before considering the main issues in this debate as outlined by my colleagues, let us first clear away some of the maze of details that has arisen to befog the issues.

The gentlemen of the opposition object to our statistics on the numbers of organized and unorganized employees. We maintain there are approximately 20 per cent organized and 80 per cent unorganized employees to be considered in the proposition up for discussion. To substantiate our claims, let me quote from the Quarterly Journal of Economics for August, 1916, where we find

the number of organized in our transportation service 20 per cent of the entire number of employees. As further evidence on this point, I refer our opponents to Bul. 81 of the Bureau of Railway Economics. The figures contained in this book will substantiate the fact that there are 20 per cent organized and 80 per cent unorganized. But, Ladies and Gentlemen, we of the Affirmative do not base our argument on an arbitrary 20 per cent and 80 per cent footing. Gentlemen, if the ratio were reversed—if it were 20 per cent unorganized and 80 per cent organized, we would still maintain that the present methods and the plan of the Negative do not touch the class which needs the remedy. On the other hand, compulsory arbitration is a plan which provides *justice for all.*

Now let us get at the main issues. Tonight's debate hinges on the following points:

(1) Is compulsion justifiable?

(2) Could compulsory arbitration be enforced?

(3) Which is the better plan, voluntary arbitration plus legislation of non-arbitrable principles, or compulsory arbitration?

The first point has already been cleared up by the Affirmative. My second colleague has pointed out in his constructive speech that compulsion is justifiable—that the government has a right to enter in a mandatory way and compel railroads and their employees to arbitrate their differences. We have also seen that the majority of economists and labor leaders agree that a question dealing with public service corporations is a totally different problem than general labor problems, and that the public has the right to demand a peaceful settlement of railroad disputes.

So much for the first issue. What about the second? Could compulsory arbitration be enforced? This issue has not been touched upon by the opposition. They have not applied their enforcement objections to the plan as outlined by my second colleague. We are not discussing an Australian or New Zealand plan; we are discussing a plan of liability contract—founded upon recognized principles of American legal justice.

Let us consider the third issue. Which is the better plan? My second colleague in his rebuttal argument already has quoted Prof. Taussig who says that the inarbitrable principles in a question of this kind are very negligible. Hence the opposition argument loses force by the weakening of its premise. But further-

more, we of the Affirmative maintain that if inarbitrable principles do exist then a compulsory arbitration court is the best way of getting an answer to these socalled inarbitrable principles. The Interstate Commerce Commission had socalled inarbitrable principles to face at the beginning of their work. What was the result? They found that the best method of solving these principles was to apply the experience and expert judgment of the commission to these problems. By such a method satisfactory decisions were reached in almost every case.

And lastly, Ladies and Gentlemen, the opposition fail to consider that their plan at its best—*does not provide for justice* and does not consider the unorganized 80 per cent. My first colleague has shown how voluntary arbitration as it stands and without the clinching pressure of compulsory arbitration is nothing but a victory of the stronger over the weaker, and no amendment of inarbitrable principle legislation can alter this fact. To make it more clear, let us draw an analogy. Let us imagine that a wealthy, reckless auto driver runs down a poor working man who is returning home from his day's toil. Without the recourse to the civil courts where awards are compulsory the laboring man would be forced to accept only $5.00 damages, perhaps, or the least amount the stronger party wishes to pay. That would be compared to voluntary arbitration as it stands today. But with a civil court to back him up, the weaker party could demand a more just sum of damages, because both parties would realize that when carried to the court, the case would be settled with justice. That would be voluntary settlement backed by the pressure of compulsory arbitration courts.

In conclusion, gentlemen, since we have seen that compulsion is justifiable in the case of railroads, since we have seen that compulsory arbitration could be enforced along the lines of reorganized American legal principles, and since we have seen that compulsory arbitration is the best solution of socalled inarbitrable principles, we of the Affirmative contend that compulsory arbitration should be established.

Negative Speeches in Debate against Grinnell College

FIRST NEGATIVE

George M. Derbyshire, Coe

Ladies and Gentlemen: Before discussing any further the question of compulsory arbitration, it might be well for us to consider the magnitude of the problem with which we are dealing. The railroads of the United States are capitalized at 20 billions of dollars. Their net earnings for one year, the year 1916, were over 3½ billion dollars. The railroads own over 215 million acres of land. They operate on 254,000 miles of single track. The railroads of the United States employ 1,825,000 laborers, or 1 of every 29 gainfully employed in the United States. On this great system, involving so much capital and labor the Affirmative would have us try the experiment of compulsory arbitration, a scheme for which there is no precedent to warrant success. If we were to try compulsory arbitration on a small scale it might be all right to experiment, but with a railroad system such as we have we can't afford to experiment. Thus we see that a peculiar burden rests upon the Affirmative, that of justifying an experiment upon such a large scale.

Compulsory arbitration presupposes three things: (1) it presupposes organization. Of the 1,825,000 employees less than ⅕ of them are organized. (2) Compulsory arbitration presupposes that non-arbitrable questions shall have been taken care of by legislation. Such is not the case in the United States. (3) Compulsory arbitration presupposes the existence of a board which shall have the facts of the railroad situation on hand. Such a board does not exist in the United States at the present time. We would ask the Affirmative to remember that we are debating compulsory arbitration under present conditions and not under any future or under any assumed conditions.

There are also three questions, the Affirmative answer to which are necessary to a full and complete discussion of the question this evening.

(1) Do the Affirmative hold that compulsory arbitration would eliminate all strikes?

(2) Would the Affirmative advocate the abolition of railroad labor unions?

(3) How are the Affirmative going to enforce compul-

sory arbitration; thru labor unions or thru personal contracts with the individual workers?

In view of the aforesaid facts the first contention of the Negative is that compulsory arbitration would be an unwarranted experiment, one with no precedent to insure its success if adopted. Let us review the results of compulsory arbitration where it has been tried.

In Australia compulsory arbitration has been tried. In 1903 in Victoria there was a railroad strike which was settled only by yielding to all the demands of the laborers. A law was passed which made it a criminal offense to strike upon the transportation system. Yet in 1913 on the very same road there was another strike which again was settled only by yielding to all the demands of the laborers. Paul S. Collier, Sec'y of the Oneonta Chamber of Commerce in Australia, in commenting on the general act says, "Strikes and lockouts have decreased but compulsory arbitration can never settle them."

Compulsory arbitration has been tried with the same results in New Zealand. All conditions in New Zealand were favorable for its success if success were at all possible. New Zealand is smaller in area than the state of Colorado. It has less than one per cent of the population of the U. S.; 30,000 people are engaged in the various industries, ¼ as many as are engaged in the city of Cleveland. In the two years preceding the passage of the law there were but four strikes in the land. Surely this was an ideal experimental station, but what was the result? "For a while the awards favored the employees but as business conditions were good the employer felt no serious embarrassment in complying with them." (H. D.D Lloyd) Later however labor became dissatisfied with the result so that from 1906 to 1912 there was a total of 63 strikes. Since the enactment of the law, New Zealand with its 30,000 laborers has had compulsory arbitration and 96 strikes. In the same time the United States without compulsory arbitration has had but 25 strikes per 30,000 laborers or 71 less than New Zealand. These are general statistics but we believe the same would hold true if applied to railroads alone. Mr. Lusk, who was largely instrumental in securing the enactment of the New Zealand law, publicly admitted that the compulsory arbitration law of New Zealand was a failure. The opposition may maintain that the question is one of compulsory arbitration for

railroads alone, but New Zealand has its 2,800 miles of track and its 14,000 employees, and Australia has its 17,000 miles of track, and its 83,000 employees. In addition these countries have minimum wage laws, compulsory insurance, workmen's compensation and liability acts, everything conducive to the success of new labor legislation, but strikes have occurred. Is it safe to carry an experiment over to a system involving 254,000 miles of track and 1,825,000 men when it couldn't even succeed when tried on such a microscopic scale under such favorable conditions?

Let us look at conditions a little nearer home. The compulsory feature has been tried in Canada, a country with a population less than that of Greater New York. Yet in Greater New York with its so called faulty methods of conciliation they have settled twice as many strikes as have been settled in Canada. From 1907 to 1915 (according to the 8th report of the registrar of the Board of Conciliation and Investigation) there were nineteen strikes in those cases that came before the board for settlement. Of these six were railroad strikes. At the last meeting of the Canada Trades and Labor Congress it was decided to work for the repeal of the act at once. We have tried the same thing on a smaller scale in our own state of Colorado but we find that after the law had been in operation for but one year, the Colorado Federation of Labor at its last convention, with but one dissenting vote, decided to work for the repeal of the act. We see then that the compulsory feature has failed wherever it has been tried. What precedent is there then to warrant its adoption in the United States?

Not only is there no precedent for compulsory arbitration but there is not enough sentiment in favor of it to assure its success if tried on the great railroad system of the United States. In an incomplete poll of Congress it was indicated that no measure forbidding the railroad men from quitting work would receive a majority in either house. Capital, because it has seizable property of which the laborer has none, would object to a system that could be enforced against him alone. W. S. Carter of the Firemen and Enginemen's Brotherhood says, "This organization does not favor compulsory arbitration or compulsory insurance." D. L. Cease, editor of the Railway Trainmen, says, "I will say that organization does not favor compulsory arbitration or com-

pulsory insurance on the ground that both mean compulsory service to which every person objects." Secretary of Labor Wilson says, "The interest of wholesome social life demands that the wage earner be freely conceded the right to bargain for employment and to do so collectively." Frank Morrison, Secretary of the A. F. O. L., at a Congressional hearing said, "The Federation desires to be heard in opposition to any measure that carries with it compulsion of any kind." Thus we see that Congress, the representative of the great American public, that capital, and that labor are all arrayed aginst compulsory arbitration. What sentiment is there in favor of it to insure its success?

I have pointed out to you the magnitude of the problem. I have showed that there is not enough precedent to warrant its adoption nor enough sentiment in its favor to insure its success if tried on the great railroad system of the United States. For these reasons the Negative maintain that Congress should not adopt a compulsory arbitration measure.

SECOND NEGATIVE

Charles S. Weber, Coe

Ladies and Gentlemen: Thus far the Negative have showed that compulsory arbitration of railroad labor disputes should not be adopted for two reasons: (1) because there is no successful precedent for its establishment upon such a large scale, and (2) because there is no general agitation for it. In continuing the argument it shall be my purpose to prove that compulsory arbitration will be impractical in operation.

In the first place, it would be physically impossible, by ordinary means, to enforce the law. To arrest and to make criminals out of the 400,000 members of the railroad brotherhoods who are scattered throughout the different states, and to give each man a separate trial by jury is practically impossible. Even if these natural obstacles could be overcome, the union men could refuse to pay the fines without fear of imprisonment, for the railway brotherhoods have wisely seen that the majority of the skilled, efficient employees have been banded together in their organizations, and any attempt to imprison them will bring

the railroads of the United States to a standstill. Because of the great risks involved, inefficient men could not take the places of the trained men. Imprisoning the men would defeat its own ends, for continuity of service can only be maintained with skilled, efficient labor. Nor can the Affirmative claim that government authority is enough to prevent strikes, for as President Hadley of Yale points out on page 360 of his book on "Economics": "Our experience with railroads which are operated under receiverships shows that government authority is not enough to prevent strikes. . . . " Furthermore, in a democratic country like the United States, there is no government authority that can prohibit the workmen from stopping their trains and quitting work in a solid body. Professor Sumner, head of the Department of Economics at the University of Wisconsin says: "The quittance of work by a number of wage earners is not a strike," while Senator Borah of Idaho adds: "The right to quit work on account of unsatisfactory wages can never be made unlawful." Such action, however, on the part of labor would have the same effect upon continuity of service as would a strike.

In the second place, compulsory arbitration, even if enforced, would prove undesirable. The Negative does not deny that the Federal Government could force the employees to cease striking by the use of the bayonet, but we do maintain that such enforcement would be highly impractical. The Affirmative present us with a paradox when they ask that capital and labor shall abandon force, and yet use force themselves to secure compliance with their request. Yet force would be the government's only recourse, for labor has emphatically declared that it will not submit. Peter J. Brady, secretary of the Allied Printers' Trades, says: "It is useless to believe that there is any law or any interpretation of law . . . that can compel me or the members of the union which I represent to work when we do not please to work, and under conditions which do not suit us." Experience has showed that governmental and civil intervention in labor disputes invariably produces more disorder than does the strike itself.

Suppose, however, that the government did succeed in forcing the workers to return to their task against their will. As President Hadley has well stated, "The service rendered under such terms would resemble slave labor and might become dangerous

alike to the property of the employer and to the safety of the public." This is practically what compulsory arbitration would mean, for the men could not refuse the award of the compulsory board, no matter how unjust it might be. Consider what this form of legalized slavery will mean when applied to our great railways. Involuntary servitude means lessened efficiency and increased bitterness on the part of labor, and the inevitable result is either indirect or direct sabotage. Our railway system—a system where thousands of lives are intrusted to the care and efficiency of the workers, and where millions of dollars are invested by capital—is the last place where the dangers attending involuntary servitude dare to be risked. Involuntary servitude in any case is unjust, but upon our gigantic railway system it is both unjust and dangerous.

In the next place, the enforcement of compulsory arbitration will lead to the destruction of the labor union. Senator Borah states that compulsory arbitration is but "a way by which to inhibit collective action on the part of labor, and it would be the beginning of the end of the labor union." Mr. R. H. Ashton, President of the Chicago and Northwestern Railroad, in a personal letter writes that the application of compulsory arbitration would practically do away with the labor unions and brotherhoods. Under compulsory arbitration it would no longer be advantageous for the employees to join the union, for when a strike broke out, their leaders and funds would be liable to seizure. But even before this, the union would have lost all its advantage to the workers, for, as Professor Carlton states in his book on "The History and Problems of Organized Labor," it would have already been shorn of its virility, for the strength of the union lies in collective bargaining power—a strength which compulsory arbitration takes from it. On the one hand, then we will have capital, organized to the highest state of efficiency; on the other, labor, with its chief means of defense against organized capital taken from it.

Furthermore, compulsory arbitration will not eliminate the strike because it fails to remove its causes. The breach between capital and labor will be widened, as both parties will now meet each other only in court, as accuser and accused. It increases, instead of lessens, their struggle, for capital and labor will not only go on fighting each other, but will fight the decisions of

the arbitration board as well, whenever they are unsatisfactory —and unsatisfactory they must be to one party or compulsion would not be necessary. Embryonic strikes will no longer be quietly settled, as the tendency on the part of the stronger side will be to drag the weaker into court. Every dispute will become a federal affair. At present the size of the union acts as a check upon the leader, but under compulsory arbitration the balance of power goes into the hands of the radical agitator, who, with a few followers, will have easy access to the courts, and can easily create disturbances. President Hadley, who states that in 1885 and 1886 the United States was virtually under compulsory arbitration, declares that it "created more troubles than it settled." This was due to the fact that compulsory arbitration in operation deals not with the causes of strikes, but only with strikes after they have occurred. You cannot arbitrate a dispute until it has arisen. Edmund Cummings spoke the truth when he said: "It is not the right to strike, but the need to strike, that the public will seek to disprove." In their eagerness to disprove the right to strike, the Affirmative have overlooked the fact that they are creating a greater need. The abolition of the strike depends not upon depriving the worker of the recourse to the strike, but upon the removal of the causes which occasion the need for the strike. This compulsory arbitration will not do.

In conclusion, I have showed that compulsory arbitration would be impractical for two reasons: (1) because it would be physically impossible to enforce the law by ordinary methods, and (2) because, even if enforced, it would prove undesirable. I have showed that it would mean involuntary servitude in a situation where involuntary servitude is exceptionally dangerous, that it would cause the destruction of the labor union, and that, failing to deal with the causes of strikes, it would not bring about their elimination.

THIRD NEGATIVE

Robert C. Armstrong, Coe

Ladies and Gentlemen: Before continuing with the Negative case, let us examine the contentions made by the gentlemen of the opposition. Their argument may be reduced to the general statement that compulsory arbitration is necessary in order to prevent great national tie-ups on American railways. The gentlemen have emphasized the fact that their scheme is proposed to meet just such a situation as occurred in the recent threatened strike of the Railroad Brotherhoods. With this in mind, our first speaker asked the gentlemen whether they argued that compulsory arbitration will eliminate practically all strikes. The Affirmative have replied that they do not so contend, but, that they do argue that compulsory arbitration will do away with a large proportion of strikes. Now, we have asked this question because the railroad situation is a peculiar one. In the history of this country there have been but three threatened national tie-ups and only two of these have materialized. Thus, as President Hadley of Yale has well stated, "present methods have been so successful that unless compulsory arbitration will eliminate practically all strikes, it will not eliminate those strikes of greatest magnitude upon which advocates of the scheme base their argument for necessity." It is logical to believe that if compulsory arbitration will only do away with a proportion of strikes those which it does not eliminate will be the strikes of greatest difficulty and widest extent. These, Ladies and Gentlemen, are the very strikes which we are discussing this evening. Thus, since the effectiveness of compulsory arbitration depends peculiarly upon the fact that it eliminate all strikes, and since the opposition agree that it cannot do this, they have admitted that their plan cannot deal with those great national strikes on which they have based their case for the necessity of compulsory arbitration.

Furthermore, in answer to our second question, the Affirmative assert that they propose to enforce compulsory arbitration thru the labor union. But, according to statistics, 80 per cent of railroad employees are absolutely without organization. In other words, the plan of the opposition by its very nature, cannot deal

with 4/5 of the workers which are included in this question. It is true that the unorganized worker does not strike as often as the organized but it is equally true that some of the worst strikes which have occurred in the history of this country have been among workers who previous to the actual outbreak were without a semblance of organization. This was the case in the great Pullman strike in Chicago and mill workers' strike in Paterson, New Jersey. Furthermore, there is nothing to prevent the unorganized worker from organizing temporarily for the purpose of a strike. In such a situation any plan for preventing strikes which depends upon the existence of a labor union is absolutely helpless. Compulsory arbitration thus fails to prevent strikes because, by the admission of the Affirmative it cannot deal with 80 per cent of the workers whom we are discussing this evening—workers, who although unorganized, can, as experience has proved, organize temporarily for the accomplishment of the most disastrous strikes.

With reference to our third question, the Affirmative state that the existence of the union is desirable. In fact, as has been pointed out, the union is an essential part of their plan of enforcement. But, if you admit the desirability of the union you admit the principle of collective bargaining which in turn depends ultimately upon the right of recourse to strike. This does not necessarily mean that an actual strike occurs. In most cases the mere possession of the right without the actual strike is sufficient to make the bargaining power of the union more nearly equal to that of the employer. But, as President Garretson of the Railway Conductors has well said, "Take from the union the right to strike when necessity demands and you have devitalized and destroyed the union." Thus the gentlemen of the Affirmative by arguing for the existence of the union among Railroad employees have admitted the right to the use of that force by which only the union can exist—namely: the right of recourse to strike. This is contrary to the very basis upon which they have laid their argument for compulsory arbitration.

Having thus observed the weakness of the Affirmative argument let us briefly review the Negative case. We have shown that compulsory arbitration is an unwarranted experiment; that it has not succeeded in those small countries where all conditions are favorable for success. In the United States where all con-

ditions are opposed its failure would be inevitable. Moreover, compulsory arbitration is opposed by all parties concerned, the employers, the employees and the public. My second colleague has shown that compulsory arbitration is impractical—impractical of enforcement; that it would be physically impossible to force one million eight hundred thousand employees to work when they do not choose to work. Furthermore, even if such enforcement were possible it would be highly undesirable because the application of force to railroad employees would prove dangerous to both the railroad property and to the traveling public.

It shall be my purpose to show further that compulsory arbitration is wrong in principle.

Compulsory arbitration is wrong in principle because it attempts a determination of wages and economic conditions by law; 73 per cent of railroad disputes involve questions of wages and therefore the task confronting a board of compulsory arbitration would be nothing less than the regulation of the price of labor.

Our industrial system depends upon the existence and interplay of economic forces. The economic force of competition and not a man-made statute urges the efficiency of employer and employees and reduces profits to a reasonable level. The price of commodities and the price of labor is determined not by the state legislature or by Congress but by these same economic laws. Moreover, in the words of Frank Dixon, head of the Department of Economics of Dartmouth College—"as long as we retain our present system these forces must continue to operate in the regulation of wages."

A review of American legislation shows that legislators have exercised the greatest diligence lest there should be any attempt at interference or regulation of wages in private industry, well recognizing the fundamental principle that economic law can not be repealed by any statute or by the dictates of any board. Moreover, experience has proved that all attempts to fix wages by law have ended in failure. The English Government, after the Black Death, when there was an appalling scarcity of workers sought to fix wages at three dollars per day. Nevertheless, in spite of the severest penalties the price of labor rose to a level more than twice that fixed by law and the government was helpless to prevent it. Subsequent history has proved that

the strong arm of the strongest government has never yet succeeded in the accomplishment of such a wage regulating policy. New Zealand is the only country in modern times which has sought to fix prices and wages by law, and we need not call your attention to the fact that the scheme has resulted in inevitable failure.

Nevertheless, the gentlemen of the Affirmative, disregarding those forces which are the basis of our industrial system, disregarding past experience and the precedents of American legislation, lay aside all economic considerations and seek to have wages fixed by the dictates of a board of compulsory arbitration. For this reason their plan is made impossible of success, its failure is inevitable.

Furthermore, under present conditions, the difficulties confronting such a board in the regulation of wages are insurmountable. Professor Fr. T. Carleton, a leading economist, states that no board is able to devise a scheme by which wages may be scientifically and satisfactorily settled. Before any attempt can be made to legislate wages a number of the most difficult questions of economics must be decided: What is the cost of production? What is the cost of a satisfactory standard of living? What is a reasonable profit? and should or should not wages be adjusted according to the railroad's ability to pay? These and many others are questions on which no two economists agree and for which there is no standard, and yet, not even an attempt at fixing wages can be made until these propositions are definitely determined. Thus, even if it were possible to regulate wages and prices by statute, the absence of any sound basis or standard by which the wage rate could be determined offers an insurmountable obstacle to compulsory arbitration. It is further evident that such regulation of wages by law would necessitate the absolute control and regulation by a compulsory board of every phase of the railroad industry. This principle, if carried to its logical end, would, in the words of President Hadley of Yale, "mean the complete regulation by the state of all industry and the distribution of wealth."

Compulsory arbitration is wrong in principle because disregarding economic forces, legislative precedents and past experience, it attempts to fix wages by law. Moreover, even if this were possible, the absence of any standard by which the wage

rate could be determined offers an insurmountable obstacle to such a scheme. In addition, wage determination would necessitate the regulation of every phase of the railroad industry and ultimately of every industry and the distribution of wealth. *Because it attempts to determine wages by law compulsory arbitration is wrong in principle. Thus, inherently it is impossible of success, its failure is inevitable.*

Compulsory arbitration is wrong in principle, in the second place, because industrial disputes involve non-arbitrable principles. Compulsory arbitration would have been absolutely helpless in the railroad dispute of last October, for as President Wilson stated, a principle was concerned which was impossible of arbitration. In the history of American railroads only two general strikes have occurred and we of the Negative call your attention to the fact that in each case non-arbitrable principles were involved which could not have been settled by any board of arbitration. Congress recognized this fact and in each case the dispute was brought to an end by appropriate legislation. The plan of the Affirmative is thus wrong in principle again because in many railroad disputes principles are concerned which cannot be arbitrated.

Our investigation of railroad labor disputes has proved that any plan to facilitate industrial peace must embody three fundamental characteristics:

First: The element of compulsion must be avoided.

Second: Instead of attempting to remove the recourse to strike we must seek to remove the cause and need for such action.

Third: Railroad disputes must be dealt with not after open warfare has been declared and when everything is antagonistic to settlement but when the dispute is in its embryonic stages and all conditions are favorable for speedy and satisfactory adjustment.

Therefore, to meet these requirements the Negative suggests in addition to present methods the establishment of a permanent federal investigation committee, as recently endorsed by the Senate Inter-State Commerce Committee.

This commission would make constant inquiry and report as to the wages and conditions of labor on the common carriers, ascertaining in advance those circumstances from which disputes

are likely to arise. By keeping the public, the employees and the railroads constantly in touch with the facts the plan could rely for ultimate effectiveness upon an educated public opinion which authorities like Seager, Taussig, and Hadley declare is the greatest force at hand for the maintenance of industrial peace.

It is evident that with such a plan all competitive elements are avoided; not the recourse to strike but the cause and need for such action is removed. The third requirement is completely satisfied by dealing with a dispute in its embryonic stages when all conditions are favorable for settlement.

In striking contrast to compulsory arbitration the plan which the Negative has suggested as an extension of present methods, meets with the unqualified indorsement of the railroad employees. President Aishton of the Northwestern voices the sentiments of the railroad managers of the country when he says "we are opposed to compulsory arbitration and compulsory investigation but the plan of a permanent federal investigation commission is both desirable and practicable for the greatest approximation of industrial peace." The Senate Interstate Commerce Committee representing the public at large while unanimously opposed to compulsory measures unanimously recommended the establishment of such a commission.

In brief this is the case of the Negative against compulsory arbitration: Compulsory arbitration is an unwarranted experiment, it is impracticable of enforcement, it is wrong in principle. The plan which the Negative has suggested completely fulfills all requirements for industrial peace at the same time avoiding the pitfalls of compulsory arbitration. Unlike compulsory arbitration it is supported by the employers and employees, the parties vitally concerned with the enforcement, and, as opposed to compulsory arbitration it is recommended by the representatives of the public.

FIRST NEGATIVE REBUTTAL

George M. Derbyshire, Coe

Ladies and Gentlemen: Let us review the case of the Negative as it now stands. The first speaker pointed out that compulsory arbitration would be an unwarranted experiment, one with no precedent to warrant its adoption, and one which is opposed by all parties concerned. The second speaker pointed out that compulsory arbitration would be impractical; first because it would be physically impossible to enforce the law, and secondly, if it could be enforced it would be highly undesirable because it would mean involuntary servitude and would abolish the labor union. The third speaker showed that compulsory arbitration was wrong in principle because it was an attempt to regulate wages by law and because it aimed to arbitrate non-arbitrable principles. In contrast to the Negative case let us examine the case of the Affirmative, which may briefly be summed up as follows; Compulsory arbitration is necessary, practical in operation and correct in principle. An examination of the first contention, that compulsory arbitration is necessary, will reveal its fallacy.

Thus far in the debate the opposition have based their case on the probability of railroad strikes. An examination of the facts shows that in the history of the railroads of the United States there have been but three general tie-ups threatened, two of which have materialized. In these cases principles were involved that were impossible of arbitration. Not only are strikes improbable now but they are becoming more so every year. The action of Congress in the passage of the Adamson Law points clearly to the fact that Congress will not allow a general tie-up. The Affirmative have contended that compulsory arbitration would not eliminate all strikes but would reduce them to a minimum. If such is the case then those strikes which will occur will be the disastrous ones, the strikes on which the Affirmative have premised their claim for compulsory arbitration in this debate. Where then, is promised continuity of service assured? Thus it is evident that if there is need, compulsory arbitration is not the remedy, for it does not prohibit all strikes.

The gentlemen of the opposition have further argued that

compulsory arbitration is necessary for the parties vitally concerned, the employee, the employer, and the general public. In the last eight conventions of the American Federation of Labor the employees have bitterly protested against compulsory arbitration. Every labor leader in the country is opposed to it. The unorganized laborers have been cited as needing compulsory arbitration. Statistics show that the unorganized strike but once as compared with fifty times of the organized. Therefore any such discussion is irrelevant to the question. President Aishton of the Northwestern Railroad and Mr. E. Lee of the Pennsylvania Railroad lead in the objections of the employers. The poll of Congress and the action of the Senate Committee on Interstate Commerce, before mentioned, show that the public do not feel the need of compulsory arbitration. In order to pursue this subject further the Negative addressed letters to about thirty leading authorities in this country requesting their opinions on compulsory arbitration. Included in this number were labor leaders, railroad heads, state commissions, and leading economists and public authorities. While all did not reply, yet among those that did there was not one who put himself on record as in favor of compulsory arbitration. Samuel O. Dunn, editor of the Railway Age Gazette, and author of Railroad Transportation, says, "Speaking practically, there are few informed who consider the possibility of applying the principle of compulsory arbitration to railway labor disputes in this country." D. L. Cease, editor of the Railway Trainmen says, "I will say that our organization does not favor compulsory arbitration or compulsory investigation." Victor S. Clark, United States statistician and chief investigator says, "Compulsory service, even under contract, in case of private employment, can hardly be enforced under our Federal Constitution." R. H. Aishton, President of the Chicago and Northwestern Railroad, voices the sentiments of the Railway heads when he says, "I do not believe it is possible with our form of government to enforce compulsory arbitration." John A. Ryan, leading economist, says, "Compulsory arbitration is virtually the regulation of wages by law." John Mitchell, Chairman of the N. Y. Industrial Commission, which probably deals with more disputes than any other commission, states, "My judgment is that if a compulsory arbitration law were enacted the enforcement of such an act would prove most difficult." Thus we see

that from the standpoint of the employee, the employer, and the general public, compulsory arbitration is not a necessity.

SECOND NEGATIVE REBUTTAL

Charles S. Weber, Coe

Ladies and Gentlemen: My colleague has already showed that the first contention of the Affirmative—that compulsory arbitration is unnecessary—is unsound. Let us now look to their second contention: that compulsory arbitration is practical in operation. The gentlemen have contended that voluntary methods have failed to give satisfaction, and that compulsory arbitration would remedy the failure. Later they tell us that compulsory arbitration would not supplant voluntary methods, it would merely be necessary to give a clinching pressure to them. This means that in nine-tenths of their cases they would use voluntary arbitration—a method which they have previously characterized as inefficient and unjust. Why, if voluntary arbitration has failed, do the gentlemen still wish to use it in nine-tenths of their cases? It is because they realize that in so far as they have been successful, voluntary methods can not be improved upon. Now the fact of the matter is that where voluntary arbitration has failed, the failure has not been due to the method used. As has already been pointed out by the Negative, the failure has been due to non-arbitrable principles being involved. No method of arbitration, either voluntary or compulsory, can adequately settle a non-arbitrable question. That is a matter for legislation, not arbitration. At no time in this debate have we contended that our method was a perfect one, but we do claim that it will settle all cases which are capable of being settled. We can not settle the great railway strike which is now impending because of this reason, but neither can compulsory arbitration. We call your attention to the fact that although the Gentlemen have claimed that compulsory arbitration would only be needed where voluntary methods have failed, they have not showed how compulsory arbitration would settle this difficulty—a difficulty which voluntary arbitration can not settle Let them show how they would arbitrate whether or not the

Supreme Court should render its decision within a certain length of time—for this is now the issue of the strike. Why do the Affirmative claim that voluntary methods have failed? Simply because they have failed to settle every srike. Let our opponents apply their own test to their scheme. It would be preposterous for them to argue that compulsory arbitration would settle all labor difficulties, for common sense and experience where compulsory arbitration has been tried, tell us that this is not the case. Then, judging by their own standard, compulsory arbitration would be as much a failure as they claim voluntary arbitration to be.

The Negative have brought forth as one of the issues of this debate the fact that compulsory arbitration could not be enforced. In any discussion on this question, enforcement must become one of the leading issues; first, because most of the objections against compulsory arbitration are based on non-enforcement, and second, because its failures have been attributed to the same cause. The Affirmative have not thus far presented any satisfactory solution of the difficulty. The plan of enforcement through the union is a plan which has failed both in New Zealand and Australia. Experience has showed that arresting the union leaders only aggravates the difficulty, and seizing the union's funds fails to intimidate the strikers, for when they are striking they expect to experience financial loss. Furthermore, those funds have long since been paid in, and are not taken directly from their pockets; hence they do not feel the loss. Again, such a plan applies to only twenty per cent of the railroad employees, the eighty per cent are still free to organize and strike over night. They will then have no seizable funds. Nor can compulsory arbitration be enforced on the basis of a contract liability plan. Victor S. Clark, whom the Affirmative have already recognized as an authority, says that it is politically impossible, and the National Chamber of Commerce has rejected it as impractical. Moreover, it is not compulsory arbitration; it is merely an evasion of the question of direct enforcement. If the trainmen can not be made directly to submit their differences to an arbitration court, we fail to see how they can be made to sign contracts indirectly to submit these same differences. This latter plan is an untried experiment—and the Affirmative would use it on the greatest railway system in the world!

THIRD NEGATIVE REBUTTAL

Robert C. Armstrong, Coe

Ladies and Gentlemen: The Affirmative have sought to picture a deplorable state of affairs, with strikes on the increase and the American government and the American people helpless before the threats of the Railroad Brotherhoods. On the contrary, the American government and the public are still masters of the situation. With present means at their disposal they hold within their grasp a weapon, by which, if they choose to use it, great railroad strikes can be absolutely prevented. If the Railroad Brotherhoods go too far in their demands, if a measure of last resort is needed, as the Affirmative would have us believe all the government has to do is to pass a law prohibiting the railroad unions and all possibility of a great strike is forever averted. Without organization a national railroad tie-up is impossible. Thus the argument of the Affirmative, that, unless a compulsory arbitration law is passed, the government would be helpless to prevent a great strike, is without foundation. If measures of last resort are needed, not compulsory arbitration, which we have seen fails to prevent strikes, but a law abolishing the railroad union is the logical solution of the problem. But, as a matter of fact, no extreme or radical measures are necessary. As the Negative has already pointed out, in the history of American railroads there have been but three threatened general tie-ups and only two of these have materialized. Under present conditions, as we have pointed out, industrial peace is to be obtained not thru compulsory arbitration but by getting at the cause and need for strikes by means of a permanent federal investigation commission.

By presenting a scheme of compulsory arbitration of their own invention, without precedent and without trial, the Gentlemen of the opposition have sought to evade the stern fact of the failure of the law in actual operation. There is no stronger evidence for or against a proposition than its results in experience and the advocates of compulsory arbitration must face squarely the evidence, that, wherever it has been tried, the scheme has ended in failure. Moreover the Affirmative plan, in spite of their attempts to make it appear different from all others which bear the stigma of failure in experience, is essentially like all other

forms of compulsory arbitration—the same difficulties are involved. Compulsory arbitration is in operation in New South Wales, and in 1916 there were, in proportion to the number of workers involved, ten times as many strikes as in the United States without compulsory arbitration. In like manner, in New Zealand, where the law is bolstered up with every conceivable form of supplementary legislation, there were five times as many strikes, in proportion to the workers, as in the United States. Not only are strikes on the increase in these countries but some of the worst which have ever occurred have taken place. Leading authorities testify to the failure of the law to prevent strikes: Dr. Victor S. Clark, investigator for the United States Government, states that, "The powerful trade unions have not been prevented from striking when it has been to their interest to do so." If the law was unable to keep the relatively insignificant unions of Australia from striking wherever they wanted to, it would be worse than useless to apply it to the great Railroad Brotherhoods of the United States. Prof. Huxley of Melbourne Australia says: "Australia, the land without strikes! The unrest, the strikes, the industrial violence of the country make the name sound like purest cynicism. The whole thing is a tragedy, a theory that has been exploded." Mr. Harold Beauchamp, Chairman of the Board of Directors of the Bank of New Zealand, in a discussion of compulsory arbitration asserts that "Strikes have constantly occurred and the futility of executing a possible award of the court against employees has been evident in every case." Secretary Hickey of the United Federation of Labor of New Zealand expresses the attitude of the workers when in a recent number of the American Federationist he writes: "If you could see the curse of compulsory arbitration in this young country with all its ramifications and oppressions your antagonism would be unquenchable." England recently passed a temporary compulsory arbitration law applicable to munition workers. Nevertheless, during the few weeks that it has been in existence the law has been violated by more than 200,000 workmen and the government has been absolutely powerless to prevent such violation. Thus compulsory arbitration when applied under the most favorable conditions has failed. Under such circumstances, on American railroads where the problems are so much greater, the failure of compulsory arbitration would be inevitable.

The last speaker for the Affirmative argued, in the first place,

that compulsory arbitration is the logical solution of the problem because "decision by reason is better than decision by force." We agree with the Gentlemen that decision by reason is better than decision by force but we wish to point out that the industrial disputes which we are considering this evening involve questions and principles which cannot be settled by any board of arbitration whether compulsory or voluntary. It is just as absurd to argue that wages should be fixed on the basis of reasonableness by a board of compulsory arbitration as to argue that the same board should fix the prices at which commodities should sell on the open market. As the Negative has already showed wages and prices can be determined, not by courts or boards but by fundamental economic laws. Moreover, many of the most important railroad disputes, including the threatened strike of the Brotherhoods in 1916, involve non-arbitrable principles which no board of compulsory arbitration could possibly settle. Hence the argument that railroad disputes should be settled by a compulsory board on the basis of reasonableness is unsound. Questions of wages and principle are concerned which are impossible of arbitration.

With regard to the second contention of the last Affirmative speaker that compulsory arbitration would narrow its own field by encouraging the use of voluntary methods it is evident that the opposition are depending upon these voluntary methods, which they have declared inefficient and unsatisfactory, for the solution of the great majority of disputes. But, the operation of compulsory arbitration, if it could be enforced, would mean the destruction of the labor union, the very instrument by which only voluntary arbitration is possible. No less an authority than the President of the Order of Railway Conductors asserts that, "Although I do not deem compulsory arbitration practical of enforcement, yet, if such enforcement were possible, I am convinced that it would mean the disintegration and ultimate destruction of the Railroad Brotherhoods." Thus it is evident that instead of encouraging voluntary methods, compulsory arbitration would destroy the very means by which only voluntary arbitration is possible. In other words, by ultimately destroying voluntary arbitration, compulsory arbitration destroys the means by which the Affirmative argue the great majority of disputes are to be settled.

In concluding the argument for the Negative we may point out that the three main contentions of the opposition, that compulsory arbitration is necessary, practical and the next logical step, have been carefully examined and shown, we believe, to be essentially without foundation. In contrast with these contentions the Negative has shown that compulsory arbitration is an unwarranted experiment, having failed in even those small countries where it has been tried where all conditions are favorable for its success. To apply such a scheme to American Railroads with their 225,000 miles of track and two million employees and where all conditions are opposed cannot be justified under any circumstances. Moreover, all parties concerned, labor, capital and the public are unalterably opposed to the adoption of compulsory arbitration. We have shown further that compulsory arbitration is impractical of enforcement; the practical impossibility of compelling two million men to work when they do not choose to work. Moreover, even if such enforcement were possible it would be highly undesirable since forcing involuntary servitude upon the man at the throttle and the man at the switch might be productive of the most awful losses in lives and propery. Further such enforcement would be undesirable since it would mean the destruction of the labor union, would widen the breach between capital and labor. The last speaker for the Negative has sought to prove that compulsory arbitration is wrong in principle because it attempts to regulate wages by law and because railroad labor disputes involve principles which cannot be arbitrated by any board whether voluntary or compulsory. Finally, the Negative has brought forward a plan for the establishment of a permanent federal investigation commission, which, while avoiding the pitfalls of compulsory arbitration, fulfills all requirements for the maintenance of industrial peace, and in striking contrast to compulsory arbitration, meets with the unqualified endorsement of the railroads, the employees and the representatives of the American public.

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CHAPTER IV

CHINESE AND JAPANESE IMMIGRATION

OBERLIN COLLEGE

versus

WESTERN RESERVE UNIVERSITY

RESOLVED, *That with respect to immigration, the United States should accord to the citizens of China and Japan the same treatment extended to the citizens of European nations. (Oberlin proposed the question and defined it as including both entry into and treatment within the United States.)*

This is a stenographic report of the debate between an Affirmative team representing Oberlin College and a Negative team representing Western Reserve University held at Cleveland, January 19, 1917. The judges gave two votes for Western Reserve and one for Oberlin. The alternate members of the teams were W. H. Oda for Oberlin and J. H. Streb for Western Reserve.

This was the twenty-first annual debate of the Ohio Intercollegiate Debating League, the oldest triangular league and one that has had a continuous existence, in the United States. It consists of Oberlin College, Western Reserve University and Ohio Wesleyan University.

BRIEF

CHINESE AND JAPANESE IMMIGRATION

Affirmative

Introduction

The Negative is in a difficult position in defending their policy, in that

- A. It is essentially a policy of discrimination.
- B. The traditions of the United States are repugnant to any discriminatory measure.
- C. The Negative must prove, in order to justify their stand, that this discrimination rests upon a fundamental difference between the Oriental and the European.

I. Any race prejudice against the Orientals should not be the grounds for excluding them, for

- A. This prejudice cannot be eradicated so long as the government fosters it by adhering to the principle of exclusion.
- B. European immigration has been admitted in spite of prejudice, for
  1. Germans, Irish, Southern Europeans, each in turn, created great animosity.

II. A difference between the European and the Oriental immigrant sufficient to warrant discrimination cannot be found in relative capacity for assimilation, for

- A. Biological amalgamation is not necessary for assimilation.
- B. Our European population is not entirely incorporated, for
  1. They herd together by nationalities.
  2. They maintain their language and customs to a large extent.
- C. The Orientals have a great inherent capacity for change, for

1. They have made much progress toward westernization even in the Orient.
2. They change much more rapidly in a new environment.

D. The Orientals have been assimilated to a marked degree in California in spite of adverse conditions, for
1. They have learned English with great eagerness.
2. They have in a large measure adopted our customs and ideas.

III. Justice demands the same treatment for Oriental and European immigrants, for

A. The Chinese and Japanese compare favorably with the Southern Europeans in four respects:
1. Mentally, for
a. The illiteracy of Southern Italy is 69 per cent.
b. In the coal mining industry 47 per cent of the Japanese as against 18 per cent of the Poles and 9.9 per cent of the Italians can read and write English.
c. The Chinese and Japanese learn more readily than the Italians.
2. Morally, for
a. The Oriental immigrants yield themselves readily to our American moral conceptions.
b. They make lawabiding citizens while the Italians furnish a large per cent of our criminals.
3. Physically, for
a. The Chinese and Japanese are able to do the hardest kind of manual labor.
b. The Chinese were responsible for most of the work done in the construction of the Central and Union Pacific Railroads, work which could not be endured by white labor.
c. The Hebrews are not able to do manual labor.
4. Industrially, for
a. According to a statement by Woods Hutchinson "the Chinaman is the most industrious worker that walks the earth in human form."
b. The European immigrants are often lazy.

c. The Oriental laborer is a hard, steady laborer.

IV. The same treatment should be extended because the Chinese and Japanese are an economic asset, for
  A. An investigation into the economic conditions of the Japanese in California in 1909 showed:
    1. They do not underbid white labor.
    2. They do not compete with white labor but fill a real need by doing those things which in their absence would remain undone.

V. Resentment will be aroused by continued discrimination against the citizens of China and Japan, for
  A. Individuals in both countries have already shown their resentment, for
    1. The threatened boycott of all American goods in China in 1905 is an evidence of resentment.
    2. Many recent statements of prominent Japanese declare that there should be no discrimination in immigration.
  B. The argument that the governments of China and Japan have submitted without complaint and therefore will continue to, is untenable, for
    1. Conditions in the near future will not be the same as those in the past, for
      a. China and Japan are becoming more progressive.
      b. Only recently has the attitude of the government in both China and Japan changed to a desire for contact with western civilization.
      c. Internal problems, which are being rapidly solved, have to the present time demanded their full attention.
  C. The present progress of China and Japan indicates that in the near future they will rank among the prominent nations of the world; and any prominent nation would resent discrimination.
  D. We have always demanded of them the same treatment that they extend to other nations.

VI. Continued discrimination will limit our opportunity for trade development with China and Japan, for

A. Friendship and confidence are as necessary to trade development as is need of goods.

VII. International unity, with which discrimination is naturally incompatible, rather than nationalism, must be our highest aim, for

A. The inefficiency of nationalism alone is proven by the cataclysm in Europe today.

B. To assure world peace, in addition to unity within nations, there must be unity of nations, and such unity must be based on a mutual feeling of fair treatment.

Negative

The Negative holds that our present immigration policy with respect to China and Japan should be maintained, for

I. The race antagonism against these Orientals is strong, for

A. Soon after the beginning of Chinese and Japanese immigration exclusion became necessary.

B. Race prejudice makes necessary the denial of citizenship privileges.

C. Those who know the Chinese and Japanese best are most opposed to admitting them and conferring citizenship privileges.

D. All classes in the western states are opposed to the Chinese and Japanese coolies.

II. The Orientals cannot be assimilated as can the Europeans, for

A. In two or three generations the descendants of immigrants from the various European countries cannot be distinguished from each other.

1. The children of Orientals remain Orientals..

B. Our attempts to assimilate other races have failed, for

1. The American Indian has not been assimilated.

2. In the Negro we have today a dangerous race problem.

3. All Caucasian countries find assimilation impracticable.

III. There is grave economic objection to admitting Chinese and Japanese coolies, for

A. American labor would suffer seriously, for
   1. Oriental competition would lower the American wage standard.
   2. A lower standard of living would result.
   3. The American laborers would even be driven out of work.

IV. Admission of Asiatics would increase the existing evils of race antagonism, non-assimilation, and labor competition, for
   A. They would come in large numbers, for
      1. Their population is great.
      2. They have the motives to emigrate:
         a. Crowding.
         b. Lack of sanitation.
         c. Low standards of living.
      3. They have the desire to emigrate, for
         a. There are 8,800,000 Chinese living outside China.
         b. 90,000 of Hawaii's 191,000 are Japanese.
         c. The large numbers of Chinese smuggled into the United States show their great desire to come.
   B. The solution of our present great national problem—nationalization—would be prevented.

V. The admission of Chinese and Japanese would cause dangerous international friction.

CHINESE AND JAPANESE IMMIGRATION

OBERLIN COLLEGE

versus

WESTERN RESERVE UNIVERSITY

FIRST AFFIRMATIVE

E. H. Chaney, Oberlin

Honorable Judges, Ladies and Gentlemen: Questions of international relations are confronting the United States with increasing demands for their solution. What shall be our attitude toward the warring powers of Europe? How shall we treat our neighbors in the republic across the Rio Grande?

Our relations with the Orient present a problem perhaps less well known but not less urgent. Our whole attitude toward those rising powers of the East, and in fact our whole immigration problem, is tied up in the question for discussion to-night.

In regard to immigration, the United States has maintained a two-faced policy. We have said to the nations of Europe: "Send over your emigrants freely, provided they meet certain general qualifications." But toward the Chinese, since 1882, and by treaty agreement with the Japanese since 1907, we have maintained a policy of exclusion.

The issue of this debate is, then, whether the United States is justified in continuing this policy of discrimination, an attitude which says to the peoples of the Orient: "You belong to an inferior race. Keep out." The United States, of all nations, has, at the very root of its existence, the idea of equality not of discrimination. A discriminatory proposition, to be proved to be sound, must be proved to rest on positively firm ground. Unless the Negative can prove that there is a sufficient difference be-

tween the Oriental immigrant and the European to justify this discrimination, to warrant the United States in continuing an attitude at variance with our origin and tradition, their case must fall. With interest, as Americans, we await their defense of discrimination.

True, we realize that there exists towards our proposition a certain feeling of prejudice grounded in race antagonism, but we also realize that this prejudice has been magnified by alarmists. We are interested in determining whether actual conditions give a basis for this feeling. If there is not enough difference between the Oriental and the European to make just foundation for this feeling, it must be based upon ignorance, upon an overemphasis of the mere color of the skin.

Honorable Judges, we are opposed to the United States Government continuing a policy of discrimination which is not based on fundamental difference between the two parties, especially since this feeling of race prejudice can not be eradicated so long as the Government fosters it by continuing the principle of exclusion. But if we had advocated continually the policy that any race which arouses antagonism should not be admitted to the United States, we would have been forced to exclude each of the successive additions to our population from Europe.

In certain sections of the country, the Germans, the Irish and the southern Europeans have been received with great animosity; and if it had been within the power of a common section to exclude them, they would have done it. Indeed, race prejudice is no new phenomenon. Prejudice of the bitterest kind toward European races has been overcome.

Many authorities agree with Millis in his statement that race prejudice is rapidly disappearing, in proving that there is not enough difference between the Oriental immigrant and the European to give a just basis for discrimination to warrant a policy of race prejudice.

The Affirmative first maintains that this sufficient difference can not depend upon a possible capacity for assimilation or incorporation into our life as nondisturbing and useful elements. By assimilation we mean social incorporation. We do not mean biological amalgamation. Biological amalgamation is not essential to assimilation. Any characteristics which we have sometimes regarded as inherent in the Chinese can not be transmitted

through the blood; so any social inheritance must be the result of environment. What does this mean? It means that the Chinese and Japanese can change their customs and ideas for ours without intermarrying with Americans. Experience and science have proved that such things can be produced by environment.

In regard to this matter of assimilation, then, we are convinced that there is not enough difference between the Oriental and the European to warrant a policy of discrimination. True, something may be said against any element which has migrated to the shores of America. Eventually they will all be socially assimilated. But what are the present conditions? Ladies and gentlemen, I need not take time to remind you that even the most perfectly assimilated element in our population, the Germans, are not all completely incorporated.

But what are the other elements in our immigrant population? We find that they horde together in settlements of a common nationality, and that in these quarters to a large extent they keep their own customs and they speak their own language. Indeed, the foreign aspect of any alien section needs no description. Why, it is one of Cleveland's greatest problems to make truly American her foreign sections. Which all goes to show that the Oriental and the European are not such vastly different beings in regard to this matter of assimilation.

But what of the Oriental's own characteristics? What of his ability to change and incorporate himself into our life? If past ability and achievement in regard to assimilation is the sound basis for determining the future capacity, we have in the Orient an admirable source of immigration. What nation from which we have drawn our immigrant hordes has changed so markedly in recent years as have Japan and China. That the Orient is changing needs no direct proof. On every hand we hear the terms, "Changing Chinese," "Awakened Japan," "New China."

Japan, in a short period, has risen from a place of insignificance to a position among the first class powers of the world. China is taking rapid strides towards westernization, as proved by the adoption of the republican form of government by a people long trained in the school of despotism. Chinese and Japanese have changed to this degree amidst the conservative atmosphere of the Orient. How much more may they not change in a new country and amidst new surroundings? Indeed, in

regard to inherent capacity for change, there is no reason to discriminate against the Orient.

But look at the matter from a more concrete standpoint. The Chinese and Japanese are rapidly being assimilated in the United States. True, this has been done in spite of race prejudice and in spite of discriminatory measures against them in which our government has led the way by its exclusion policy. Naturalization, which is a part of our program, would many times have increased their efforts towards assimilation. Chinese and Japanese learn English rapidly, and this is a most important factor in assimilation. The Japanese, as a nation, are remarkable for their ability to accept foreign customs, both at home and abroad. Experience has proved that Chinese and Japanese are able to incorporate themselves into our lives.

We have pointed out that the fundamental issue in this debate is whether there is a sufficient difference between the Oriental and European to warrant a policy of discrimination. We have further maintained that this difference can not exist on a basis of possible assimilation. Before closing, we will remind the gentlemen that they must uphold a policy of discrimination; that in the United States any discriminatory policy must be especially well-founded; and that in regard to immigration, any discrimination can only be justified on a basis of a sufficient difference between the Oriental and European to warrant discrimination.

As Americans, we await with interest the gentlemen's defense of discrimination.

FIRST NEGATIVE

Harold Belshaw, Western Reserve

Ladies and Gentlemen: If we had come here this evening without appreciation of the necessity of justice in our immigration policy, we should, I fear, have been brought to the realization of this necessity by the arguments used by the Affirmative. But we needed no persuasion in such a vital matter; in fact the Negative bases its whole case squarely on this principle of justice, and we shall endeavor to show that any system advocated by the Affirmative which will admit those classes of Chinese and Japa-

nese which are at the present time excluded would be gross injustice both to us and to the Orientals.

They speak of certain principles of pride, equality, etc., but we would like to get down to practical matters. We ask the Affirmative what plan they have which will embody these principles and which will in practice result in justice to both parties. We ask them, therefore, for reply. Further, we ask them if they will admit, under this plan, the Chinese coolies.

The Negative holds that our present immigration policy, with respect to Japan and China, should be maintained, first of all, because there is a strong race antagonism against them. The Chinese had not been coming here many years before the conditions that arose were such as to make it absolutely essential to exclude Chinese labor. Japan came a few years later, and history repeated itself in her case. The conditions that resulted were such as to make it absolutely necessary to exclude Japanese labor. But this race antagonism between the Caucasian, of which we are a member, and the Mongolian race, of which the Oriental is a member, has not resulted merely in the necessity of excluding them from our nation, but also in the necessity of denying them certain citizenship privileges. In parts of the United States Orientals go to separate schools; they are not permitted to go to the same schools as white children; and in parts of the United States the Japanese can not hold land. Nowhere in the United States can one of these Orientals become a naturalized American.

Now, the question includes giving the Oriental the same treatment in all respects with the Europeans, both after he comes here, in addition to admission to this country. Therefore it is incumbent upon the Affirmative to show the practicability and the wisdom of extending to these Orientals all citizenship privileges, including the right to vote and the right to hold office.

It is said that a better acquaintance with these peoples removes this race antagonism, that when we come to know them better it dies out, but such has not been our experience. The Americans who know these people the best are the ones who are the most bitterly opposed to this immigration. The Immigration Commission, the United States official investigation into this matter which made the most thorough investigation that has ever been made, states that the people of the coast states, as a whole, are opposed to Asiatic migration, and the force and valid-

ity of their objections are recognized. It is said further, that this race antagonism is agitated on the part of the laborers of the West—of the Trades Unions. To show that this is not true, Prof. Millis, who conducted this investigation on the Pacific Coast, and whom the Affirmative have quoted as one of their authorities, has to say:

"Those who believe in restriction of Japanese immigration constitute a very great majority. Nor is this majority made up of labor unions or laborers only. The majority of business men, publicists, professional men and others are opposed to the admission of Japanese laborers."

This official investigation investigated the opinions of officers of boards of trade throughout the West, and they have to say: "The opinion of the great majority of these men was strongly opposed to further immigration of Japanese laborers. The objections to the Japanese were partly because of their personal characteristics, but more generally on the broader ground of the welfare of the community, or of public policy." Our present immigration policy against Chinese laborers and Japanese laborers should be maintained because, first of all, there is a strong race antagonism against them.

Secondly, because they can not be assimilated. The Commissioner General of Immigration, in his report for 1914 says: "From the viewpoint of the Japanese becoming a part of the people of the community, and becoming assimilated"— what you Affirmative have said, they have become assimilated—"he has a decided disability."

Professor Millis, their own authority, after citing a few instances where these Japanese have adopted our customs, our learning and our language, which is what they say is to become assimilated, has to say, in his conclusions, that even with limited numbers, the situation is such that assimilation is unlikely to occur; that with large numbers it would not take place. This is their own authority.

The children of Europeans, no matter from what stage of society they come, become Americans, in fact, so much so that, after two or three generations, you can not tell the descendant of a Russian from the descendant of an Italian; the descendant of an Englishman from the descendant of a German; but such is not the case with these Orientals; no matter how long they re-

main in our country, they are still Orientals; they are still Mongolians. Their children are looked upon as foreign born. They are Japanese; they are Chinese; they are not Americans.

We have tried to assimilate, in our history, two other races different from the Caucasian, and we have failed miserably. We refer to the American Indian and the Negro. Although the Negro has been with us almost since the beginning of our nation, the condition is such that at the present time in the South we have lynchings, we have "Jim Crow" cars, we have the negro walking on the one side of the street and a white person on the other side of the street. Why, even in the North, where the sentiment is not so strong, we have different hotels for the Negro, we have different clubs for the Negro; and different Y.M.C.A.'s throughout this country cannot admit a colored man to membership, unless it be in a colored branch. Of course, the Affirmative may say, "Why, there are Chinese and Japanese in the Y. M. C. A's." But those people are there to learn the workings of that organization, are there to observe methods in order that they may go back to their own country to become secretaries of Y. M. C. A's.

It is said that the Oriental is keen and intellectual, and that this would make for assimilation. But has this been our experience with the Negro? No matter how intellectual, no matter how keen, no matter how smart the Negro may be, he is no more assimilated than his most unfortunate brother. No matter how much of an education, no matter how developed is his mental capacity, he is no nearer assimilation into this American democracy of ours than is his most unfortunate brother.

Our Pacific coast states are not the only ones that have had to deal with this problem; they are not the only ones to deal with it in the same way. All the Caucasian countries that have had to deal with this problem have dealt with it in the same way. Canada, Australia, New Zealand, and South America all exclude Japanese and Chinese. It is an impossibility for the Mongolian and the Caucasian to get along together. We do not claim the Chinese and Japanese are inferior to us, but we do claim that they are so different that it is impossible to live successfully with them. Therefore, the proper solution is to let them live in the Orient, and let us live over here in the United States.

In conclusion, then, we hold that our present policy with re-

spect to Chinese and Japanese immigration should be maintained, first of all, because there is a strong race antagonism against them, and, secondly, because they can not be assimilated. To admit them would be a gross injustice, both to us and to them. And after the most thorough investigation carried on by the United States Immigration Commission, they recommended to Congress that the best policy was to maintain the present policy with respect to Chinese and Japanese immigration. And that is exactly the Negative's position.

I thank you.

SECOND AFFIRMATIVE

P. F. Johnson, Oberlin

Honorable Judges, Ladies and Gentlemen: The gentlemen on the Negative have asked us for a plan. Our plan is simply this: Same treatment. The debate this evening rests upon a matter of same treatment, as opposed to discrimination; and is a question of comparison between the Chinese and Japanese on the one hand, and the Europeans on the other hand. The comparison involves three main factors; first, assimilability; second, natural qualifications, as found in the natives of the different countries; and, third, economic value.

The first speaker has proved that the Chinese and Japanese are just as assimilable as are the Europeans. He has pointed out that the process has already been accomplished in the case of many of the Europeans and the Chinese and Japanese on the Pacific Coast.

I shall prove, first, that the Chinese and Japanese are in every repect equal to the Europeans, and often superior; and, second, that they are an economic asset to this country.

First, what are their mental qualifications? The literary test is the one invariably applied in determining the mental alertness of a people, and yet the people who come to our country in the largest numbers are the most illiterate. According to the World Almanac, the illiteracy of southern Italy is as high as 69 per cent, and yet these people were coming to our shores at the rate of 283,000 a year in 1914. Compared class for class, we

can certainly get a fair estimate of their relative abilities. Take, for instance, in the coal mining industry; 47 per cent of the Japanese can read and write English, as against 18.8 per cent Poles and 9.9 per cent Italians—47 per cent of the Japanese and 9.9 per cent of the Italians. The Chinese and Japanese are eager for American education, and learn readily, while the Europeans are backward and take litttle interest in learning. Figures show that it is harder to get the Italian children to attend school than any class of immigrants in our country. Comparison of the mental ability of the Chinese and Japanese with the Europeans makes any discrimination against them a positive injustice.

But what of the moral character of these people? You must be aware that the Chinese and Japanese are essentially immoral people; but that the fact is that they are just as moral as are the Europeans. The Chinese and Japanese yield themselves readily to our American moral conceptions. They are in very few instances addicted to drunkenness or crime. Europeans, on the other hand, furnish a large percentage of our criminals. No other element matches the Italians in their inclination for personal violence. They lead the foreign born in respect to lawlessness. The Italians furnish a large per cent of our criminals. The Chinese and Japanese, on the other hand, have no such criminal tendencies, but make much more law-abiding citizens. Certainly to discriminate against the Chinese and Japanese because of moral character would be detrimental as well as unjust. It is commonly believed that the Chinese and Japanese are physically worn out; but in physical make-up the Chinese and Japanese can hold their own with any class of immigrants in our country. They are not from a weak and dependent class, but they are strong, vigorous, healthy and self-reliant. The Chinese have been largely responsible for the work done in the construction of the Central Pacific and Union Pacific railways, work which could not be endured by white labor. On the other hand, there are certain elements from European emigration, such as the Hebrews, which come here in large numbers, at the rate of 30,000 a year, who are utterly unfit for manual labor. A comparison of the physical qualifications of Chinese and Japanese with Europeans makes any discrimination against the former a wanton injustice.

Finally, what of their industrial value? A statement in the

World's Work, by Woods Hutchinson, who spent seven years in the study of the question on the Pacific coast, gives the true labor value of the Oriental laborer. He says, "The Chinaman is the most industrious worker that walks the earth in human form. No class of white men will work with the unremitting persistency of the Chinese. The Japanese also is a zealous, cheerful worker. As a laborer, the Chinese and Japanese are ahead of the Europeans. The latter is often slow to learn, and adapted to only the simplest kind of labor. To watch our European immigrants at work on the railroads, idling away their time, two men doing one man's work, is evidence enough of the low quality of their labor. The Asiatic immigrant, on the other hand, is not given to idleness, but is ever active and always earns his salt. The European immigrants are illiterate, restless, and often lazy. Certainly, if justice is to be considered in determining our immigration policy, we must admit the Chinese and Japanese on an equal basis with these Europeans."

But not only are they equal in these qualifications, but, furthermore, the Chinese and Japanese are a positive economic asset. Considered in dollars and cents, the Asiatic immigrant has been a material advantage.

One of the common misconceptions in regard to their economic value is in the matter of wages, and the gentlemen of the Negative may tell us they underbid white labor; but an investigation of the facts in California a few years ago produced the following results: The average wage paid by the white farmer to white help was $1.59; the average wage paid by the white farmer to Japanese help was $1.51, a difference of only 8 cents. The average wage paid by the Japanese farmer to Japanese was $1.61. Evidently the Chinese and Japanese do not seriously underbid white labor. And what is more, in very few instances do they even compete with white labor, even in agricultural pursuits, where most of their energies are expended. They do not raise the same crops. On farms where whites alone are employed, very few vegetables and no berries or nursery products are grown, and yet these are the very crops which the Japanese raise. They do not displace labor, but they add those things which, in their absence, would remain undone, and thus have filled a real need.

In regard to the Chinese, Mary Roberts Coolidge, former associate professor in Stanford University, says:

"The history of general labor in California since 1886 is the story of efforts to find substitutes for the vanishing Chinese. Evidently, then, their expulsion has left a vacancy in California. The job which the Chinese has isn't a job which the white man wants. They do not displace labor, but they supplement labor."

As an economic asset, the position of the Chinese and Japanese in California is undisputable. The authority for these figures comes from an investigation conducted in 1909 by the state legislature of California into the economic conditions of the Japanese.

The gentlemen have referred to another investigation which has been made; but this investigation proved so favorable to the Japanese that, though $10,000 has been appropriated for making the investigation, not a cent was appropriated for publishing it. But in the following year J. D. McKenna had published a brief summary of the investigation. There was not a single report unfavorable to the Japanese. How do the gentlemen account for this fact, that there was no unfavorable report?

The Chinese and Japanese in California are desirable, they are assimilable, they are desirable from their physical, mental and moral qualifications and industry, and they are a positive economic asset. With these facts before us, can we continue to discriminate against them?

In determining our immigration policy, should we not yield to the fundamental consideration of justice with everything in favor of the Chinese and Japanese as against our present undesirable European immigration? Does not justice demand that we abandon this policy of wanton discrimination and adopt a new policy of fair and equal treatment?

I thank you.

SECOND NEGATIVE

Allan M. Russell, Western Reserve

Honorable Judges, Ladies and Gentlemen: We of the Negative are advocating justice every bit as strongly as are the gentlemen of the Affirmative; but we are advocating not only justice in theory, but also justice in fact. There are hundreds of grand and noble opportunities floating around in this world which would

make the earth like a Utopia if they could be put into operation, but they can not be accomplished. I believe there is no scheme or method whereby they will accomplish justice in fact as well as justice in theory. And our point this evening is that, if the gentlemen of the Affirmative are going to prove to us that their principle of justice is true, that they should propose some plan whereby it will accomplish justice when put into operation.

They have said, in answer to our question for a plan, "same treatment." Now, just what do they mean by "same treatment?" Surely they would not extend an open door policy to the Chinese and Japanese. We continue to ask them, would you or would you not assimilate the Chinese coolie?

Then they tell us that the Chinese and Japanese do labor which the Americans do not do. Is it not too bad that we have to depend upon the Chinese and Japanese to raise our strawberries and do all our truck gardening? Isn't it too bad that we have to depend on the Chinese and Japanese to raise crops and other vegetables? Why, the United States Immigration Commission, in making its report, says.

"There is no work engaged in by the Asiatics in the West which is not engaged in by white laborers in other parts of the country under not dissimilar climatic conditions."

We of the Negative believe that we are justified in advocating a policy of total exclusion towards the Chinese and Japanese, as my colleague has told you, because of the antagonism arising from the difference in race and because they can not be assimilated. Therefore, in all justice to the Chinese and the Japanese themselves, and in all justice to ourselves, we should exclude them.

In addition, we again urge and contend that the Chinese and Japanese should be kept out, as they now are, for an economic reason, which is the one that must be given the most serious consideration. It is, that the presence of the Chinese and Japanese in this country would be very injurious and harmful to the welfare of the American laborer. Their presence here would cause the American laborer's wage standard to be lowered, because they underbid him. Their presence here would cause his living standard to be dragged down; and, finally, they would even displace him and drive him from his work. The future of American democracy is the future of the American wage-earner.

If we wish our country to progress and to be prosperous, as it has progressed in the past, we must protect the welfare of those who compose the bulk of our citizens. We must safeguard carefully those who have been called the backbone of the republic. The wages of the American laborer within the last decade have been steadily on the increase; and I may say that there are few who, for any but selfish reasons, would desire to retard this progress, and accept the policy that the Chinese and Japanese would do that very thing, would do it in the first place because it would break down his wage standard. The Oriental is willing to work for a rate of pay per day which no white man could possibly afford to accept. Our experience with them on the Pacific coast has shown this to be true. The United States Immigration Commission, which made that report in 1910, and its official study by the government of the problem, states that the Japanese, as a race, have the smallest earnings. More than half of them earn less than $1.50 a day, which they say is below the average earnings of women. While in another place, in speaking of the Chinese and Japanese coolies on the railroads where there are several thousand of them working, they said that at all times the Japanese received the lowest wage paid by these companies, excepting—and they go on to say, "excepting the few Chinese who have remained."

John R. Commons, a member of the recent committee on industrial relations—and he was Professor of Political Economy at the University of Wisconsin—in his book entitled, "Principles of Labor Legislation," written in 1916, says:

"It is a well-known fact that the Oriental can accept wages which to a white man, would mean starvation."

But we do not need to go out West to see how the Orientals lower the standard of wages of the American laborer, but right here at home. You know and I know that the cheap laundry is always the Chinese laundry. And so it is in other industries. No matter how low the American price may be, the price of the Asiatic coolie is always beneath it. True, they may receive somewhat higher wages than they received when they first came here, but the fact remains that the wage standard of the Chinese and Japanese in this country is still under the wage standard of the American laborer.

And, as naturally might be expected, along with this lower

standard of wages goes a correspondingly lower standard of living. Why, do you know that in Asia, according to Prof. John R. Commons, the Chinese and Japanese live on two or three dollars a month. Think of it. The gentlemen of the Affirmative propose to have the American laborer compete with a race who are able to exist on ten cents a day. And experience has shown that their standard of living is not raised to any considerable extent when they emigrate to America.

The United States Immigration Commission, in speaking of their standard of living, says:

"Speaking in general, the Japanese are the least well housed of all the American farmers, if the Chinese are excepted."

While the Hon. A. G. Burnett, who is associate justice of the district court of appeals of California, says.

"The Chinese and Japanese live together clearly in violation of all sanitary rules; and where they settle in numbers, the American is forced to vacate. If he would, the white man could not live as do these aliens."

In addition, they charge that they drag down the American wage, lower race standards. In addition to the charge that they lower his standard of living, there is a third charge that they displace and drive him from work. In Hawaii, where 75 per cent of the male population is composed of Chinese and Japanese, there is a grave problem facing the white and native workers in that island, of eking out an existence in face of the ever increasing competition. The native wage-earner's problem is one of survival in the face of an increasingly irresistible and disastrous competition of Asiatics, with their lower standard of living.

Not only is that true in Hawaii, but it is true also on the Pacific coast; and it is true in our own United States. In the twelfth biennial report of the California Bureau of Labor Statistics, the following significant statement is made: "The Japanese came to the Vaca Valley about eighteen years ago, and commenced working for small wages. Their number increased until they displaced about all the white labor. Not only do they drive the American from work, not only do they compel him to seek other fields for his industry, but they keep other white workers and emigrants from the East from going to the Pacific coast to find work."

Jenks and Lauck, in their book entitled "Immigration Problem," say that the presence of these races, Japanese and Chinese, prevents the immigration from eastern states of white immigrants.

In conclusion, we contend that the Chinese and Japanese should not be admitted to this country on equal terms with the Europeans, because, in the first place, they will drag down and lower the American standard of wages. In the second place, they will lower his standard of living. And finally, they will even drive him out of work and take his very job away from him.

THIRD AFFIRMATIVE

B. L. Pierce, Oberlin

Honorable Judges, Ladies and Gentlemen: The gentlemen of the Negative have again asked us for a plan under which we would admit the Chinese and Japanese. Now, we believe it is quite clear to-night that what we are advocating is simply that whatever plan we have for our immigration of Europeans, that same plan ought to be used for the admission of Chinese and Japanese. We are arguing simply for one thing, and that is same treatment, whatever that treatment may be.

The gentlemen have asked us if we would admit coolies. If the gentlemen mean by coolies contract laborers, we will say that there have never been any but a very few contract laborers entering the United States. Moreover, the United States excludes at the present time contract labor. If the gentlemen mean by coolies simply hired laborers, we say we would admit the hired laborers from China and Japan just as we admitted a similar class of hired laborers from Europe.

Now, my first colleague has shown that, in spite of all assertions to the contrary, the mere fact remains that the Chinese and Japanese immigrants are learning our ways and accepting our ideas to at least as great a degree as are the immigrants from southern Europe.

My second colleague has shown, first, that the Chinese and the Japanese are superior intellectually, physically, morally and industrially to the average immigrant from southern Europe. He

has shown, second, that the Chinese and the Japanese are as desirable economically as are our southern European immigrants.

In view of these three established points, I want to emphasize again the injustice of discriminating against Chinese and Japanese. If our immigration needs to be restricted, let the restriction be placed on all nations alike, rather than applying to some practically total exclusion, and to others at the same time only slight limitation.

Thus far all our arguments have been made from the national viewpoint alone; but the international aspect can be disregarded no less. It is my purpose to consider the effect of continued discrimination upon our international relations with the Far East. The gentlemen of the Negative may attempt to lead you to believe that, with respect to immigration, the Chinese and Japanese are not interested in securing equal treatment with other nations. It is true that, to the present time, no very strenuous protests to our discrimination against them have been made by the governments of China or Japan. We have found, though, that many individuals in both these countries have felt keenly the discrimination. In China in 1905 the threatened boycott of all American goods was the result of their feeling of resentment.

One from many recent statements of prominent Japanese which might be quoted is as follows: "In Japan, the nation took the agreement, that is, the restrictive agreement of 1907, as unsatisfactory but unavoidable for the time being, and has ever since looked for better days when her people would be admitted into this republic as equal human beings. The restriction should be placed equally and fairly on all without any discrimination of race or nationality."

So much for the effect of discrimination to the present date. But to conclude that the governments of China and of Japan will continue to submit uncomplainingly to discrimination in the near future, because they have in the past, is hardly a tenable conclusion. Their silence in the past is due directly to causes which in the near future will not exist. In the past China and Japan have been backward and unprogressive nations. This is not wholly true at the present time, and it is becoming increasingly less true. In the past the attitude of the government in each of these countries has been to discourage contact with the outside world. Naturally, as they recognize their own desire for isola-

tion and aloofness, they would not protest about securing greater freedom in the world. Only recently have they awakened to the advantages of western civilization. But even after such awakening, many more pressing internal problems have demanded their immediate and full attention. The present progress that is being made, however, is rapidly solving these internal difficulties, and is indicative that in the near future China and Japan will stand among the advancing and prominent nations of the world. It is well-known that this is their aim. In striving for such a place among the nations, discrimination against them by the United States will be one of the first things to overcome. If you doubt that in this new progressive stage they would not protest against discrimination, just imagine, if you can, the United States submitting to discrimination against its citizens wthout protest. I submit that you can not think that any prominent nation would endure discrimination against its citizens without strenuous protest; and if the protest was unheeded, a feeling of resentment would result.

Gentlemen of the Negative, you may advocate discrimination against Chinese and Japanese, but you can not get around the fact that at the present it is felt keenly by many, and in the near future resentment and unfriendliness and a feeling of unfair treatment will be aroused by it. Especially is our discrimination leading to a feeling of unfair treatment by China and Japan, because we have always demanded of them the strictest observance in extending to us the same treatment that they extend to any nation. If resentment and unfriendliness is the first effect of discrimination, a second effect can be easily seen. I think you will agree with me that trade is built, not merely upon need of goods, but that friendship and confidence as well are necessary for its greatest development. Any lessening, then, of harmony in international relations will mean a decrease in the trade possibilities with these countries. When we realize that the opportunity of trade development with China and Japan is enormous, and that other nations stand ready to grasp this opportunity, we ought to be extremely careful before deciding in favor of a policy of discrimination which strikes at the very basis of trade friendship and confidence.

Not only, though, will discrimination result in a feeling of unfair treatment, not only will it limit our possibilities of trade with

China and Japan, but it will have a third bad effect more far reaching than either of these. At the present time the whole world is interested in one big question: What in the near future is to be the relation of nation to nation? We wonder just what philosophy of international relationship the gentlemen of the Negative hold before themselves this evening. Do they still hold to the idea that if nationalism and unity within a nation is sufficiently developed, enough has been accomplished? This has been the theory under which governments have operated in the past. One of the big results of the operation of such nationalism can be seem in Europe to-day. It is because of this proven inefficacy of nationalism alone, and our inability to see how, as long as the idea of its all sufficiency exists, more outbreaks will not be impending, that we of the Affirmative will reject it as our highest aim. We believe internationally that until the peoples of the world hold to each other, world peace is not assured. Do not misunderstand me and think that I am depreciating the value of unity within nations, because I am not. Truly, nations to be great must be unified; but what I am saying is that there must be more than this unity within nations. There must be unity of nations, and this international unity, in its final analysis, must be based on a mutual feeling of fair treatment. Before this international unity between the United States and China and Japan can be established, we maintain that discrimination against the Chinese and Japanese will have to be abolished.

THIRD NEGATIVE

S. S. Danacean, Western Reserve

Ladies and Gentlemen: For the benefit of the Affirmative, let me read what the Encyclopedia Britannica has to say in regard to what a coolie is. "A coolie is an Asiatic laborer not belonging to the skilled or artisan class. He is not a contract laborer."

We all believe in justice, but we believe in justice in fact as well as justice in theory. A principle which, when put into practice, results in injustice cannot be called justice. It is then necessary that some definite plan be advanced; and unless the Affirmative advance some definite plan, the arguments of this evening can only be based upon existing laws.

The Negative contends, first there is a race antagonism against the Asiatic; second, he can not be assimilated; and, third, he is a detriment to American labor. This being true, with but 200,000 Orientals in America, it then follows that, with an increase in numbers, the conditions resulting will be increasingly worse. We then further contend that they will come in large numbers, and that they will be a detriment to our international as well as internal welfare. They will come in large numbers. They have the people. The combined population of North and South America, of Africa and Australia does not equal that of China. They have the motive. The very fact that one-fourth of all the people of this world are crowded together in a country smaller than the United States is a motive to emigrate. The fact that sanitary conditions are miserable is a motive to emigrate. Their standard of living is low.

Charles W. Elliott, in his statement to the Carnegie Endowment for International Peace, says: "Through all the Oriental countries the mass of the people maintain a lower standard of living than that of any civilized western people, whether European or American." Why, the wages of the Chinese are so low that even Japan, in 1907, excluded Chinese labor on the ground that they underbid and worked for a lower wage than did the natives of Japan. Japan herself excluded Chinese laborers on that ground. And what do the Japanese laborers earn? According to the financial and economic annual of Japan for 1910, and the Chinese year book for 1915, the wages of Japanese laborers are but 29 cents a day for fourteen hours. Yet they see fit to exclude Chinese laborers. The economic conditions of the Orient are poor, wretchedly poor. They have the motive to emigrate.

Not only have they the people, not only have they the motive, but they have the desire to emigrate. They have emigrated in the past, and are emigrating now. The China Year Book of 1916 says: "There are more than 8,800,000 Chinese living outside the borders of China." In Hawaii, our American military base, more than one-half of the population is either Japanese or Chinese. Fully 90,000 of a total population of 191,000 is Japanese; and Hawaii, mind you, is the American military base.

We have an exclusion law, and the Chinese know it just as well as you or I, yet so great is their desire to come to this coun-

try that they deliberately sneak in, if you please, smuggle in. They have the desire to emigrate. They have the motive to emigrate, and they have the people. Of course, forty or fifty years ago emigration was not as great as it is to-day, but with modern communication and modern transportation, is there not every reason to believe that they will come, and will come in by increasing and dangerously large numbers? Why, those here now are an economic detriment. Shall we admit more? Those here now face a race antagonism. Shall we admit more? Those here now cannot be assimilated. Shall we admit more?

We further object to the Affirmative program, because it prevents the solution of our present national problem. We see that to-day more than any other time, nationalization is needed. We must have a cohesive national unity. The different elements must be welded together. Yet there is nothing more detrimental to amalgamation and unity than the introduction of a yellow race problem. It would be recklessness, simple foolishness; it would be a fraud against future America.

The Negative contends that Oriental immigration will be a detriment to our international as well as internal welfare. They have admitted that neither Japan nor China is opposed to our immigration policy. They have admitted that the government of Japan has not said a word in regard to our immigration policy. Now, what they mean by our immigration policy I do not know; but let me read to you a statement of the Japanese government to the United States in 1913. Japan says: "There is no question whatever between Japan and the United States on the subject of Japanese labor immigration into the United States. The present controversy relates exclusively to the treatment of Japanese subjects in the United States."

Pass all the laws you please, give them equal treatment, what then? This is not a new problem. We had a negro problem; we had a civil war; it brought death to hundreds of thousands and sorrow to millions. Laws were passed; the negro was supposedly free and equal; but, Ladies and Gentlemen, even to-day in the South he cannot ride on the same street cars, he cannot even lie in the same hospital. In our own city he can not even enter our Y. M. C. A. or be a member of our Y. M. C. A. Think of the lynchings that occur every year, and then think what would happen if the negroes had a sensitive government

like Japan behind them. There is friction now. The Affirmative has not denied it. An increase in numbers can not but result in greater friction. Harm to our international as well as internal welfare can not but result. When the American people will in fact, as well as in theory, permit the black and yellow races to mingle with the white race in a social and a political way, then and only then can the admission of Orientals be justice. But to submit them to a feeling which, whether right or not, does actually exist, is not and can not be justice. It can not be just to ourselves; it would not be just to our future generations; and it would neither be fair nor just to the Japanese and Chinese themselves.

And the Negative again urges that our present policy be continued.

FIRST NEGATIVE REBUTTAL

Harold Belshaw, Western Reserve

Mr. Chairman, Ladies and Gentlemen: The Affirmative's argument this evening is based primarily on the contention that our present policy of discrimination complicates our international relations. My colleague who has just left the floor has shown you that admission into this country would further complicate our international relations, rather than simplify those relations.

I quote further from Sidney L. Gulick, who is one of the best authorities, probably, that the Affirmative can present. He says that the sole point of Japan's contention with America is that Japanese already in America shall not be subjected to differential race legislation. There is no immigration question. Japan does not want to send her emigrants to this country. What she does want is that we treat her emigrants in this country as we treat Europeans, that we give them the same privileges, that we give them the same right to vote, that we give them the right to hold office. Let them mix with us socially, just as we do any other immigrant into this country. We have asked the Affirmative to show the practicability and wisdom of giving the Orientals these privileges. They have failed to do so.

The exclusion of Orientals may be justified because they are

of a different race, and is justified because they are of a different race. The Oriental is a member of the Mongolian race, and is not a member of the Caucasian race; and nowhere in history is there evidence of these two races having lived together in large numbers successfully. The Mongolian race can not live successfully in a Caucasian civilization, not if he comes in numbers that create the problems that we have presented.

They compare the Asiatics with the Europeans. Do they mean to tell us that an Englishman is as undesirable as one of these Chinese coolies? Do they mean to tell us that that element, the largest element of our civilization, is as undesirable as the Chinese coolies? Do they mean to tell us that the Frenchman, that the Irishman, that the largest part of our democracy is no better than these under-dogs of our society whom we exclude? These Mongolians are entirely different from us. Their history is entirely different, their civilization is entirely different, and so far they have failed miserably to assimilate into any Caucasian society. So far they have failed miserably to live successfully along with the Caucasian.

They say the Oriental is educated; he is a more literate person than the European. That is not true. He is more literate, however, than the Italian or the Slav, whom they quote, but that is only a part of the European emigration. Even if he is more literate, even if he is more intelligent, does it matter how intelligent or how keen or how smart these people are in regard to assimilation, in regard to race prejudice, does it make any difference how intelligent, how educated, how smart a negro is as to whether he shall be assimilated or not, or as to whether there shall be a race antagonism against him or not? These two phenomena are present, no matter from what state of society these peoples come, and that is why we are advocating the present policy of exclusion of Chinese and Japanese labor.

Our argument summed up, then, amounts to this: That our present policy should be maintained, as the Immigration Commission recommended to Congress that it should be maintained, because, first of all, there is a strong race antagonism against them; secondly, because they can not be assimilated; thirdly, because they are an economic detriment; and, last of all, because, if permitted to come here, they would complicate our international relations rather than simplify them.

FIRST AFFIRMATIVE REBUTTAL

E. H. Chaney, Oberlin

Honorable Judges: All through the debate of the Negative this evening we have seen the superstructure of large numbers. They have continually weighed the facts to advocate a policy of open door; and until their last speech they did not come out definitely and argue for their proposition strongly until they were assured that we would tremble at the argument of large numbers of Chinese overrunning this country. Why, Ladies and Gentlemen, this is the argument of the sand lot in Kearny days, away back in 1880. We are not afraid of these overwhelming numbers coming from the Orient. But, Honorable Judges, if we were perplexed by the enormous numbers coming from China and Japan, we would apply some measure of exclusion to all races which would give these worthy people their part in immigration. But what if we do, as the gentlemen say we would not dare do, argue for an open door, what would be the situation? If we were afraid that large numbers would overrun the country, we certainly would not argue for this. If we were afraid of large numbers, we could easily apply restrictions to all nations. But what of this old sand lot argument of large numbers? It was the main argument which produced the exclusion act of 1882. But Honorable Judges, we had absolutely free immigration of Chinese for twenty-five years, and the average immigration for that period was 14,000. True, the gentlemen say, with increased transportation facilities there will be an enormous number come over now; but, Honorable Judges, we had free immigration from that most thickly populated of the Oriental countries, Japan, up to 1907, and in no year did immigration exceed 15,000. True, large numbers probably will come, and seem to be worrying our opponents, but large numbers never have come.

What about the present situation, though? We find in the Immigration Commission report that the figures show that one-third of the Chinese immigration that came in pre-exclusion days is coming now, and the commissioner whom they have quoted says, "Any Chinese laborer"—coolie, mind you, is the gentleman's term—"can get into the United States provided he has the money, and money is freely offered." That is because of the

inefficiency of the exclusion policy, in fact, only two-thirds efficient. But the Gentlemen would have us believe that there is an enormous barrier up here between the Chinese and Japanese, and immediately any rift comes in this structure a horde will sneak in. But if the Immigration Commission report is correct, there can be no such horde waiting to come in, because any Chinese coolie who has the money to come into the United States can come in, and still the Gentlemen will adhere to their policy of discrimination, their inefficient policy of exclusion.

But the Gentlemen have argued this matter of large numbers upon a pure supposition. They have said large numbers will come in the future to overrun this country.

But, Ladies and Gentlemen, at this point we would offer our little speculation on the matter. What has been the remarkable industrial development of China and Japan within the last two years? China in three years quadrupled her industrial expansion and raised wages four times. Indeed, if people did not come from Japan in the past in any such large numbers, are they likely to come in the future when they can get four times the wages that they were paid in the past? Not very likely that large numbers will come from Japan. But in regard to China, we find that famine is rapidly disappearing. With a network of railways going out through China, the low standards of life will gradually vanish; and with better communications, famine will not drive out the population, as you Gentlemen would have us still believe, and that large numbers will overrun the country.

SECOND NEGATIVE REBUTTAL

Allan M. Russell, Western Reserve

Honorable Judges, Ladies and Gentlemen: You have been hearing this evening about the principles of equality and justice upon which founders of our country based this republic. Now, before you allow that to have any weight with you, let us investigate some of the principles of justice of the founders of our republic, and we will see that they too not only advocated justice in principle, but justice in fact as well. The men who wrote the Constitution realized that the black or negro race were a detri-

ment to this civilization of ours; they realized that they should be excluded, and therefore they prohibited them coming to this country after 1808. For the same reasons we contend that the Chinese and the Japanese should be excluded as they are now, because they are not worthy of the privilege of immigration into the United States.

Let us look around in the world and see what some of the other countries are doing in regard to this Chinese and Japanese immigration. Not only does the United States find they make unsatisfactory members of the country, but they are excluded from Australia. Since 1901 there has been a total exclusion policy in operation in Australia. New Zealand excludes them, South America excludes them, and our neighbor country, Canada, keeps them out. Only four hundred are permitted to enter Canada per year, and each one of those four hundred has to pay a head tax of $500.00, which amounts to practically total exclusion. Not only do all these countries exclude the Chinese and Japanese, but Japan herself, as my colleague has told you, excludes the Chinese laborer. Now, on what ground can Japan ask us to stop discriminating against them, when she herself has such a discrimination policy in effect in her own country.

Then they argue that we should stop this policy of discrimination because we might lose a little commerce. Do you realize that with the present policy of discrimination in effect, in 1915 the commerce between the United States and China amounted to $14,000,000? The commerce between the United States and Japan amounted to $41,000,000. Does that look as though our policy of discrimination was affecting the commerce of the United States with the Orient? For comparison, I would call your attention to the fact that the commerce between the United States and Austria-Hungary amounted to only $1,000,000. Surely, such an argument as they advance is a short-sighted one. Should we, in order to gain some commerce with the Orient, admit into our civilization an inferior race which would be derogatory to its best interests? Should we admit into this country men who would break down the welfare of the men who compose the very backbone of our nation? Certainly we should keep them out, whether we have any commerce with the Orient, or whether we do not have any commerce with the Orient.

And then they have said that we should admit the Chinese

and the Japanese. Allow me to read you what the Immigration Commission, which made a report in some twenty-four volumes, recommended. They said "The general policy adopted by Congress in 1882, of excluding Chinese laborers, should be continued. The question of Japanese immigration should be permitted to stand without further legislation." While the Immigration Commissioner General of the United States, in 1914, said, "It is generally conceded by any person who gives any attention to the question that unrestricted Japanese immigration to the United States is not desirable."

In conclusion, we again contend that the Chinese and Japanese should not be permitted to enter the United States, because they would be an economic detriment to the welfare of the laborers of the United States, and to the welfare of our civilization.

SECOND AFFIRMATIVE REBUTTAL

P. F. Johnson, Oberlin

Gentlemen: This evening we emphasized the fact that the Chinese and Japanese are Mongolians, while we are Caucasians. Let us ask ourselves what is the difference between a Mongolian and a Caucasian? What is the main difference between a Mongolian and a Caucasian? It is not in the color of the skin. Is there any inherent difference? If you take a Mongolian in one of our colleges, if you take a Chinese student in one of our colleges, beside a white student, ahead of him in his classes, ahead of him in his work in many cases, is there any material difference? Do you know that the scientists can not tell the difference between the blood of a Chinaman and the blood of a white man? This in itself does not show anything, except it shows biologically there is no difference between a Chinaman and an American. But ask yourself, is there any real difference except the color of their skin?

The gentlemen have asked us whether we should admit more of these Chinese and Japanese, when those who are already here can not be assimilated, when those who are already here, as they have said, are detrimental to our civilization, should we admit

more of them? But the gentlemen have failed to ask, are all the Europeans of this country assimilated, and when all the Europeans in this country are not assimilated, should we admit more Europeans? Do the gentlemen overlook the fact that there are sections in every large city in our land filled with Europeans who are not assimilated? And yet we are admitting them at the rate of one million a year. We must emphasize the fact that it is a matter of comparison. Whether or not the Chinese are absolutely assimilated in the first generation, is not the question. Even the Germans are not always assimilated in the first generation, but after they have lived here a while. Are the Chinese and Japanese as assimilable and as desirable as are the Europeans?

The gentlemen have given something of the wages of the Chinese and Japanese in California. But the investigation which was mentioned before was conducted in 1909, after the Japanese had been for two years excluded. That meant that the Japanese, of whom the investigation was made, had been here at least two years, and then their wages were almost equal to those of Americans. Of course, you take in America, they naturally have to work for less than Americans to get a start. You take the Italians that come over here, they don't get just as large wages as the Americans do at first; they naturally have to start on a lower level of wage to begin with, because they have no start and they have to get a start; but after they have been in this country a while, then the standard of their wages is raised. This is the case of the Japanese and Chinese in California.

A statement by the Immigration Commission says that, "During the period when the Japanese were living in this country in largest numbers, the question of differences in wages between the white race and Japanese began to solve itself to such an extent that gradually the variation became trifling, and there were instances where there was no diversity in the wages paid each. Their wages are not the same the first week or the first month that they come over here, but they gradually and rapidly raise their wages to the same level as the Americans."

A statement in the Literary Digest in 1913:

"The great cry in California has been that the Japanese are taking the white man's job, but that has been a false cry so far as the actual job is concerned. In ninety-nine cases out of a

hundred the white man would not take the Oriental's job as a gift with a bonus thrown in. The Chinese and Japanese do that quality of labor which the white man will not do."

A statement by Millis: "It is safe to say that only in exceptional cases have they undermined the working conditions. They have filled in where others have not been attracted in large numbers, because of the character of their work. The Chinese and Japanese in California have done the work that the white man would not do, and they have been a positive economic value. The question, then, is one of same treatment and comparison. If the Chinese and Japanese are as good as the Europeans, then we cannot with any degree of justice exclude them.

THIRD NEGATIVE REBUTTAL

S. S. Danacean, Western Reserve

Mr. Chairman, Ladies and Gentlemen: Let me again read what the Immigration Commission said in regard to whether or not they drive white laborers out of work. "There is no work engaged in by Asiatics in the West which is not engaged in by white labor also to some extent, in which white men do not engage in other parts of the country under not dissimilar climatic conditions."

They have asked us why the Chinese have not come in the past in such large numbers. Why, for thirty-five years they have been excluded from the country, how could they come in large numbers? Furthermore, thirty-five years ago our immigration from Europe did not even average one-third as much as it does to-day. Then how can you claim that the immigration of Chinese thirty-five years ago would determine how many would come to-day?

They have asked us what is the essential difference between the Asiatic and the European? The essential difference is the assimilability. Assimilation is the fundamental and essential of the desirability of an immigrant. The Europeans are all of the Caucasian race; there is no race antagonism against them. The children of Europeans, their descendants, you and I, are Americans and are considered Americans. On the other hand, there

is an antagonism against the Oriental race, not only in the United States, but wherever the Oriental race comes in conflict with the white race.

Let me read what Jenks and Lauck, in their "Immigration Problem," say.

"The feeling is not in itself exceptional. A similar feeling exists against these same races in Canada, in Australia, in South America and in every place where these Oriental races have come into immediate contact with the white race."

There is this race antagonism, and the Affirmative have not denied it. The late Booker T. Washington understood this problem of race prejudice more than any other man, and he said:

"The curious nature of this thing we call race prejudice makes any attempt to disturb it unwise."

There is, then, this difference of race antagonism. There is, again, the difference of finally becoming assimilated. The children of Orientals are Orientals. In the West, as throughout our country, the children of a Japanese are Japanese. A child of a Chinaman is a Chinaman, wether born in America or not. They are not considered Americans. They remain Orientals; they do not become assimilated.

The United States Immigration Commission says: "Chinese can not be assimilated, because their native-born children do not develop the material form, and are treated as if foreign born." It is a fact that they are treated as foreign born, not a theory. It is a fact that they are considered foreign born, not considered Americans. We are considering facts, as well as theories.

H. A. Millis, quoted constantly by the Affirmative, says:

"Even with limited numbers, the situation is such that assimilation is unlikely to occur. With large numbers, it would not take place."

The United States Immigration Commission recommended, after its thorough investigation, first, that the exclusion of Chinese laborers continue; and, second, the question of Japanese immigration should be permitted to stand without further legislation, so long as the present method of restriction in numbers be effective.

Now then, since, first, there is this race antagonism; second, they can not be assimilated; third, they are an economic detri-

ment; fourth, they will come in large numbers, and, finally, they will be a detriment to our international as well as our internal welfare, we again urge that our present policy be continued; that we should not adopt the Affirmative program, because it is not just to ourselves, because it would not be just to our future generations, and would neither be fair nor just to the Japanese and Chinese themselves.

THIRD AFFIRMATIVE REBUTTAL

B. L. Pierce, Oberlin

We are perfectly well aware that it is easy to find quotations saying almost anything that you want them to say, if you only know where to look for them. Now, the Gentlemen have quoted a good deal more from Millis this evening than we have, but I will quote just once more to show that you can find that he says just as good things on the Affirmative side of this question as he does on the Negative. Consider what he says in regard to assimilation and in regard to race prejudice. He is speaking of southern California, and he says: "Most of the Japanese families are well housed. Their residences, as a whole, are about as good as those of their American neighbors; and their relations with their neighbors are cordial. There is no discrimination against them, in the school or elsewhere."

Quotations mean very little. Let us consider this problem of assimilation along with race prejudice a little further. The gentlemen have wished to compare the Chinese and Japanese with the English and with the Germans. I ask you to answer this: When one-fourth of our immigration that was coming just prior to this war came from southern Italy, are we not justified in comparing the Chinese and Japanese with your southern Italians, with the worst classes that come from Europe?

But in regard to this assimilation question, if your prejudice is a fact, I would also point out that assimilation is actually taking place in the west in many places today.

But let us consider this race prejudice a little further. The gentlemen have hinted that race prejudice is something which exists only against the Chinese and the Japanese. Have you

gentlemen of the Negative forgotten that historic party founded in 1845, which in 1852 controlled four million votes, known as the "Know-Nothing Party"? The main plank in the platform of this party was the exclusion of immigrants from Europe. This race prejudice, of which the gentlemen speak, is no new thing; it is something that has existed for every people that have ever wanted to come to America. The latest immigrant has a race prejudice against the one who wants to come.

But there is a reason why this race prejudice has been as large as it has. The Chinese and the Japanese have not had the right of naturalization. They have been a small and defenseless element of our population. They have not been able, through the poll-box, to protect themselves. Grant them the same treatment and you will find this discrimination will die out just as it has died out against the Irish and the Germans. Just to support this statement, let me read what Senator Sherman, of Ohio, said in 1894, in regard to the Scott Act of 1888. He says: "I believe the Scott Act was one of the most vicious laws that was passed in my time by Congress. It was a mere political ruse in the face of a presidential election."

Every single one of the exclusion measures, except one, against China was passed just prior to a political election. But let us consider a little further this race prejudice. Are you going to get over this race prejudice by a discriminatory policy, or are you going to get over it quicker by same treatment? The government, by saying that these people are inferior, produces a large amount of the race prejudice that does exist.

We have seen in the debate this evening that the Chinese and Japanese are assimilable; that the economic effects are not materially different than the effects produced by European immigrants. We have seen that the Chinese and the Japanese possess as good characteristics as Europeans.

In the name of justice, and because "same treatment" is a wise policy, we maintain that we should grant to the citizens of China and Japan the same privileges extended to Europeans.

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CHAPTER V

COMPULSORY ARBITRATION

COLUMBIA UNIVERSITY

RESOLVED: *That capital and labor should be compelled to settle their disputes in legally established courts of arbitration.*

This is the report of the speeches made by the teams representing Columbia University in debate with New York University, Yale and Rutgers. The Affirmative team whose speeches are reproduced here, debated against New York University on December 7, 1914. The speeches of the Negative team, which are here reported, were delivered in debate with representatives of Yale University, on December 14, 1917. In both cases the decision was unanimous for Columbia. This report of the speeches was made from manuscript furnished by the debaters. Brief and bibliography have been added by the editor.

BRIEF

COMPULSORY ARBITRATION

Affirmative

Introduction.

A. By "legally established courts of arbitration" is meant courts constitutionally established which shall have full power to investigate all labor troubles and to make awards with the backing of the government.

B. Compulsory Arbitration is not offered as a substitute for mediation and conciliation which should be tried first in every case, but only as an additional measure which will reduce strikes and other labor disturbances to a minimum.

I. Existing conditions and the failure of the present remedies to adequately cope with these conditions shows the need of a new remedy.

A. The United States found itself without means to prevent the great railroad strike of 1916 notwithstanding the fact that the right of the public to have its transportation service uninterrupted is paramount to the interests of both capital and labor.

B. Statistics show that in a period of twenty-five years only one and six-tenths of one per cent of strikes in the United States have been settled by conciliation and mediation.

II. Compulsory arbitration is the remedy that should be adopted because

A. It is equitable.

1. Justice and equity demand the substitution of reason for force.

B. It is logical.
   1. The public has always reserved the right to regulate matters affecting the public interest and so protect itself.
   2. Strikes and lockouts affect the public directly.
      a. The public is the greatest sufferer.
      b. It pays the costs in the end.
   3. It is the natural climax to our present schemes of social legislation.
      a. We have already adopted workmen's compensation, laws regulating wages, hours of labor, etc.

C. It is sound in principle.
   1. It is only an application of the right of society to repel the use of violence and to further reason and justice.
   2. Law and government are the result of the substitution of organized force by all for the good of all in place of violence by individuals.

D. It is not an untried experiment.
   1. New Zealand has had the system since 1894.
   2. New South Wales re-enacted a compulsory arbitration law after an experimental period of seven years.
   3. Norway has adopted it.

E. It is practicable.
   1. It can be carried out.
      a. It will gain the support of both capital and labor.
      b. Public opinion will be behind it.
   2. Our vast stretch of territory and complicated economic conditions are not an unsurmountable barrier to effective regulation.
      a. Our railroads and business corporations are well controlled even to details by both state and national governments.
   3. It can be enforced.
      a. Experience has shown that wherever tried the majority of industrial disputes have never been brought up in court but have been settled by mediation and conciliation.

b. There is ample precedent in the experience of the Interstate Commerce and public service commissions to show that both labor and capital can be compelled to arbitrate.
c. Fairness in decisions can be insured.

NEGATIVE

I. Compulsory arbitration is impracticable.
A. It has been tried in Australasia under the most favorable conditions and has failed.
1. The law as formulated contained all the essential features necessary to effective carrying out of the principle.
2. It had the sanction and support of public opinion.
3. In spite of this it failed to reduce the number of strikes.
a. Strikes in New South Wales actually increased in number, in the number of workmen involved and in the number of work days lost.
4. New Zealand had to be put under martial law during the Wellington strike involving 14,000 workers.
B. It lacks the support of the community.
1. Capital has stated that it is strongly opposed to any form of compulsory arbitration.
2. Organized labor has manifested its distrust of compulsory arbitration.
a. While the present distrust of the courts exists on the part of labor, it will never lend its sanction to a new and more powerful court.
3. The support of public opinion will not be secured.
a. The public evinces a definite opinion only when a great strike is on in a public utility as the street railway system or the railroads.
b. Many of the smaller strikes it does not even know of.
C. It is fundamentally wrong in principle.
1. It is compromise—not settlement.
a. It ignores the causes for strikes—low wages, long hours, unemployment, poverty, etc.
b. The awards of the courts must be based on expediency and not on justice.

2. It fails to strike at the roots of our industrial troubles.
   a. It deals only with organized labor.
      (1) It does nothing to improve the conditions of those who cannot protect themselves by collective bargaining.
   b. It does nothing to remedy the conditions that cause strikes.
   c. It would be a repressive force which would only increase discontent and anarchy.
3. It is illogical and impolitic.
   a. It has no foundation in legislative policy.

COMPULSORY ARBITRATION

COLUMBIA UNIVERSITY

Affirmative Speeches in Debate against New York University

FIRST AFFIRMATIVE

Leon E. Leighton, Columbia

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: We are here this evening, not as advocates of any particular class or sect, but as men interested in the greatest good to society. We are representing neither capital nor labor, nor are we representing any neutral class aloof from either of these two. But we are in fact representing the great heterogeneous mass of individuals that is commonly called society. We want to advocate principles which will eventually work for the good of all. We do not believe in class distinction, or in class movement, but we do believe in an equality of rights for every citizen that lives under the government of the United States of America. We stand for equity and no partiality and in this discussion to-night we want it distinctly understood that equity in industrial disputes is our only aim. An equity, Ladies and Gentlemen, which is effective alike for labor, for capital, and for society in general. We believe that it is a civic duty for every citizen to uphold principles which will bring about the accomplishment of such an aim. Hence we come before you as strong advocates of the proposition, Resolved, "That capital and labor should be compelled to settle their disputes in legally established courts of arbitration." It is our right and duty as the Affirmative to define this question.

By "Legally established courts of arbitration," we mean that

courts shall be constitutionally established which shall have the power of investigating labor troubles of importance upon their own initiative. That they shall have free access to all books and other records of the party or parties to the dispute. That they may call on representatives of both capital and labor and on any other witnesses they choose, and finally that their decisions shall be as binding as the decisions laid down by our courts of law. We would in other words give these courts full power to investigate all labor troubles of importance and to make awards with the backing of the government. "The essence of the entire matter is a fair and reasonable hearing of all parties concerned and a just determination according to the facts."

Now we are perfectly willing to agree with the gentlemen of the Negative, that mediation and conciliation are the foremost and perhaps perferable methods of settling labor disturbances, and we most heartily emphasize the fact that mediation and conciliation should be tried first in every case. But when they fail we offer the alternative of Compulsory Arbitration, not as a panacea for all ills, but as a measure which will reduce strikes and other labor disturbances to a minimum.

It has been necessary to present this rather long explanation and definition in order that there be no clash of opinion between the Negative and Affirmative over the main issues of this question.

In support of our contention we of the Affirmative will therefore prove, First, That existing conditions and the failure of present remedies adequately to cope with these conditions, show the need of a new remedy; and Second, That Compulsory Arbitration is the remedy that should be adopted because it is equitable, because it is logical, and because it is practicable.

First, that existing conditions and the failure of present remedies adequately to cope with these conditions, shows the need of a new remedy. Ladies and Gentlemen, the daily papers with their ever increasing lists of strikes and lockouts furnish perhaps sufficient proof of this fact. They showed that the country found itself without means, last August, to prevent a railroad strike when arbitration failed and mediation was refused, notwithstanding the fact that the right of the public to have its transportation service uninterrupted is paramount to the interests of both capital and labor. We most emphatically endorse con-

ciliation and mediation, but when statistics show that in a period covering twenty-five years, only one and six tenths of one percent of strikes in the United States have been settled by this means, we claim that such voluntary measures are inadequate and that a new remedy is necessary. We maintain that Compulsory Arbitration is the remedy that should be adopted, first because it is equitable.

Justice and equity demand the substitution of reason for force. We claim that the doctrine which lies at the foundation of civil society is that every man can do as he pleases with what is his own so long only as his conduct does not injuriously affect others. This is a fundamental principle of American democracy. We tell you that a person cannot use his labor or his property without consulting the interests and welfare of the remainder of the community. We tell you that capital cannot oppress labor or vice versa. We tell you that the employer cannot heartlessly buy labor as though it were a commodity to be sold over the counter. In olden times barbarians fought their battles by means of force, they had no courts of arbitration. We believe that the days of barbarism are not yet past and that capital and labor should have no more right to settle their disturbances by means of a strike, than one man has of settling his troubles by shooting another, or than one state by waging war upon another. A strike, Ladies and Gentlemen, is simply a combination by men who are the leaders of labor organizations and who are not elected by society, to prevent other citizens from enjoying their rights. In the threatened railroad strike how many people who were away from home, knew whether or not they could exercise their right to go home? Had there been a blockade with no means of food transportation, can it be considered, by the wildest stretch of imagination, a constitutional right to starve people?

The essential features of a strike are first, The refusal of men to work under conditions that they claim are unsatisfactory, but which in the majority of cases they refuse to arbitrate. Second, open violence and threats of violence, and third, preventing the employment of other workers in the place of the strikers. A strike is called, not to give another man a chance to get the job vacated, but to get the original workers in at the conditions demanded whether those conditions are just or unjust. "My

job," is the attitude, and "my job, right or wrong," is the practice. Ladies and Gentlemen, this is compulsion of the worst kind and the interests of justice and equity certainly demand the application of reason in its place. If, as we believe, the main objection of the gentlemen of the Negative to the proposed legislation is because of the compulsory features it contains, we should like to know how the gentlemen can justify a strike or the threat of a strike? If that is not compulsion we should like to know what they call it. On the side of the strike we have compulsion by force, on the side of Compulsory Arbitration we have compulsion by reason. On the side of the strike we have compulsion by war, by anarchy. On our side we have compulsion by justice, by peace. Which of the two is the more equitable system? Which of the two has the interest of all the factors entering into a dispute more at heart? Those are the questions to decide.

In conclusion, Ladies and Gentlemen, I have shown first, that existing conditions and the failure of present remedies adequately to cope with these conditions, shows the need of a new remedy. And second that C. A. is the remedy that should be adopted, first because it is equitable. The second speaker on the Affirmative will show you that the proposed law is logical.

SECOND AFFIRMATIVE

Ralph A. Bloomsburg, Columbia

When Mr. Dooley was discussing the strike question with his friend Hennessey, the latter remarked that labor and capital ought to get together. "How could they get any closer together than the present clinch?" answered Mr. Dooley. "They are so close together now that those that are between them are being crushed to death." I, as the second speaker for the Affirmative, wish to call your attention to this unpleasant predicament of the public, but first let me review the facts presented to you by the Affirmative so far.

We are partial to no one party or class but are seeking the greatest good for the greatest number. Present methods are in-

capable of coping with industrial difficulties yet something must be done. We hold that compulsory arbitration is an equitable method of settling disputes between capital and labor because it substitutes compulsion by reason and justice for compulsion by force and violence.

We shall now show that compulsory arbitration is logical; first, because the public has always reserved the right to regulate matters threatening the public interest and disputes between capital and labor do affect the public interest. It is logical secondly, because the principle of compulsory arbitration is entirely in accord with the development of the applications of government. It is logical thirdly, because compulsory arbitration is a natural climax to all of our recent social legislation. It is logical fourthly, because the idea of compulsory arbitration is not an experiment but has been applied successfully in other countries.

Now, Ladies and Gentlemen, consider the unpleasant situation of the public between the millstones of capital and labor. A trolley strike comes on: the public walks. The dairymen strike: the public goes without milk. The coal miners strike: the public freezes. The cab-drivers present an ultimatum and it becomes impossible to bury the dead. The public is the greatest sufferer in labor disputes.

But, Ladies and Gentlemen, not only does the public suffer but in the end it also pays the cost of the disputes. Every year strikes cost this country $200,000,000. We have one society to prevent economic waste and another society to conserve natural resources. It's about time we had social action to save this $200,000,000. The striker doesn't lose it and the capitalist doesn't lose it. They quickly pass the charges along with an extra kick for good measure to the unsuspecting consumer, the public.

In addition to suffering the hardships of the strikes and paying the final costs, the public is forced to stand aghast at the daily affronts to our ideas of law and order. Back of every dispute at present is the element of violence. The strike or lockout is the gun that one party holds to the head of the other. We have results that threaten the peace of any community. Barely a month ago, twenty miles away in Bayonne, we saw men shot down in the streets, innocent bystanders killed. Machine guns mounted on the plant, armed guards and extra police patrolling the streets. Yes, whether the question be a personal one or an

industrial one, we become brutes in attempting to secure ends by means of sheer force.

Thus we see that the public bears the hardships, pays the costs and suffers under the crimes of the present methods of settling industrial disputes by the strike and the lockout, by individual force. Therefore, the public has a *right* to regulate industrial disputes. We offer, as a solution, compulsory arbitration which would substitute a settlement by reason and justice —organized force, if you will, by all for the greatest good to all—for the present means of settlement by individual force.

Perhaps opponents will offer the time honored argument that we are presenting a revolutionary scheme. Nothing could be further from the truth. Compulsory Arbitration is merely the logical "next step" in the evolution of law and order. At first all disputes were settled by force. Might was right. Jack and Jill who lived side by side in a primitive village had the only well. The rest of the villagers came there for water. Jack and Jill got into a fight over the division of profits from the well and while they grappled, none of the villagers could get any water and both Jack and Jill were losing their means of livelihood. Finally the villagers got tired of it and grabbed Jack and Jill and said "That's enough, you shall not use violence in settling your disputes which gains nothing for you and makes us suffer the hardships. Take your dispute to the village elder and he will make a fair division." That was the beginning of government and of compulsory arbitration. Thus has evolved our system of law and government—the substitution of organized force by all for the good of all in place of violence by individuals for the good of none. The growth has been slow but persistent. The duel has passed for the court adjudication. In the western mining camps, six shooters no longer settle controversies. The sheriff is the only man who carries a six shooter—and he carries it in order that force may not be used. In effect he compels arbitration. The recognition of the futility of force has become so general that many advocate the forbidding of the use of violence in international relations. How much more then should we abolish the use of violence in settling industrial disputes and substitute the compulsion of law by society as a whole for compulsion by individual parties.

But our opponents may say "We admit the tendency of soci-

ety is to eliminate violence. What we object to is the introduction of the radical element of compulsion." Examine this fallacy of compulsion. Upon what is the very structure of our society and government based? Why simply on compulsion. Laws are compulsory; education is compulsory. Yet how many of us actually think of it today in that light. Do you pay taxes because you wish to or because you have to? Isn't that compulsion? Compulsion, when considered with a view to the greatest good to the greatest number, becomes no longer compulsion but custom. Compulsory arbitration in practice would not be different from the laws under which we are now governed nor would there be any more compulsion than exists in the present system. It would compel labor and capital to bring disputes before the court only if they choose not to settle them in any other peaceful way.

Now, Ladies and Gentlemen, I have pointed out that there is nothing revolutionary in the idea that society may forbid the use of violence. There is nothing revolutionary in the idea that society may compel obedience to law and justice. Consider all of our recent social legislation, workmen's compensation laws, sick insurance, minimum wage laws, law regulating factory conditions, laws fixing age of employees and hours of labor. In several states, notably Wisconsin and Oregon, commissions have been established with power of compulsory investigation of working conditions; of fixing minimum wages and hours of work. In its own sphere this goes far beyond our proposal of compulsory investigation and settlement of actual labor disputes. In New York, we have a Factory Commission which is given power to fix standards for factory equipment, buildings, protection, arrangement. This Commission may dictate to the manufacturer on the number of workmen in a room. It may compel him to install, even against his will and judgment, certain special types of machinery or apparatus. Here we have a case of state control extending to the minutest detail of the operation of a man's business. When we consider these commissions and such bodies as the Interstate Commerce Commission and the Federal Trade Commission which are given absolute powers of investigation, legislation and administration, we see that compulsory arbitration is by no means so radical a measure as some would have us believe.

Finally compulsory arbitration is not an untried experiment. New Zealand has had a system of compulsory arbitration since 1894. Despite some defects in the application, the idea has been maintained steadily for twenty-two years. This surely is proof of an inherent merit in the idea and, Ladies and Gentlemen, it is the general idea of compulsory arbitration which we advocate to-night, not specific plans. Other countries have followed the example of New Zealand. New South Wales in 1901 put the *idea* into effect for an experimental period of seven years. At the end of that time, what did they do? They re-enacted it—a sure proof of the wisdom of the idea. The latest recruit is Norway, which but last summer placed the idea of compulsory arbitration into effect. So the idea of compulsory arbitration is far past the experimental stage.

Let me now review the case the Affirmative has laid before you. Our first speaker has shown that the present conditions are intolerable and that present remedies are inadequate. We therefore advance compulsory arbitration as a solution for the problem. Our first speaker next proved that compulsory arbitration is an equitable method of settling disputes because it substitutes the reason of society for violence by individual parties. I have shown that compulsory arbitration is a logical method of settling disputes, first; because strikes or lockouts affect the public directly. Therefore the public has its inalienable right of regulating the dispute and protecting itself. It is logical, secondly, because it is the natural "next step in the evolution of society. It is but an application of society's right to forbid the use of violence and to compel law and justice. Thirdly, compulsory arbitration is logical because it is a natural climax to our present schemes of social legislation. Fourthly, it is logical because the idea has been tried in other countries and has not been repudiated but has been re-enacted repeatedly.

THIRD AFFIRMATIVE

Joseph L. Freedman, Columbia

Mr. Chairman, Ladies and Gentlemen: The Affirmative can very well rest its case here. We believe that industrial disputes in this country ought to be settled by the civilized method of compulsory arbitration. And if we have succeeded in convincing you that compulsory arbitration is absolutely necessary because it is the only policy that can meet a situation which must be met; that compulsory arbitration is the logical climax to the entire trend of industrial development, and the development of law and order; and that compulsory Arbitration is thoroly sound in principle because it substitutes the rule of reason for the rule of force—we have in fact convinced you that we ought to adopt compulsory arbitration in the United States!

There are, however, impractical people in this world who cannot see how any sound principle can be applied in practice until they actually see it done. These are the people who could not see how the American Revolution could be successful, how the abolition of slavery could be practicable, how the hundreds of progressive laws on our statute books could be carried out: and it is these people who fail to see now how compulsory arbitration can be put into effect.

Let me ask these impractical people a simple question: why should compulsory arbitration be impracticable? That may seem like dodging the burden of proof—but why should the United States, a powerful democracy, living under thousands of laws that are carried out every day of the year, be unable to carry out one more law? As long as compulsory arbitration is thoroly sound in principle and is the logical next step, why should our government fail to carry it out any more than any of the laws it is enforcing today?

But how—ask these impractical people—*how* are you going to administer the law? As a plain matter of fact there are more ways than one of doing it, and as long as the law is administered we of the Affirmative are satisfied. We do not care to quibble over details of administration. We are dealing with a method, not with means; we are advocating a policy not a plan; we are saying what should be done, not how it should be done. Whether

we adopt the Australian plan, or the Norwegian plan, or the French plan; whether we have state boards plus Federal boards chosen by the government; or courts for each industry chosen by the government, or by the parties to the dispute in conjunction with the government; whether we have temporary boards consisting of representatives of labor, capital, and the general public; or temporary Federal boards; whether we model the industrial courts upon our judicial system, or divide the country into economic zones similar to the Federal reserve system—these are all questions of detail. The main issue is: Ought we to have compulsory arbitration? And since any one of these plans of putting it into operation will do, we ought not to lose sight of the main issue in wrangling over any one of them.

Yet some of the objections of the impractical opponents of compulsory arbitration are sensible if not sound. These we shall now examine and explode.

The law cannot be carried out—say these people—because the parties most interested in the matter oppose it. They never stop to ask themselves why capital should oppose a measure that will benefit it; a measure that will enable it to make contracts without the fear of having to pay an unreasonable wage. They never stop to ask themselves why labor should oppose a measure that will free it from the loss and hardships of strikes and lockouts; that will create legal standards for wages. Or why the public should oppose a measure that will relieve it of the oppressive burden of industrial warfare.

The point is that capital is not opposed to it, labor is not opposed to it, the public is not opposed to it. How many people in this audience are unalterably opposed to compulsory arbitration? How many of your acquaintances have any definite opinion on the question? So much for the public. As for capital and labor, these oppose it only when they feel they can gain more by fighting. Unions that can tyrannize oppose it; corporations that can coerce oppose it. But these very same unions and corporations—when they do not feel themselves powerful enough to tyranize and coerce *FAVOR* compulsory arbitration! When the state tried to abolish feudal warfare it was the powerful robber barons who had most to gain by fighting that opposed it. But they did not win the day. So these industrial warriors without social conscience will not win the day!

It is a significant fact that at the meeting of the Academy of Political Science held on November 22, Peter J. Brady, secretary of the Allied Printing Trades Council, admitted that many workingmen favor compulsory arbitration, but excused it on the ground that just as students do not understand the principles of their professors, so many workingmen do not understand the principles of their leaders. That is, the leaders of labor at present—feeling themselves strong—oppose compulsory arbitration. And when we remember that the labor leader derives his power from the strike, the reason for his opposition becomes at once apparent to thinking people.

The law can be carried out because it will gain the support of many capitalists, the support of many laborers, and the support of the public. At present public opinion lacks force because it has nothing to fall back upon. The Colorado strike, the strike of the New York street railways, the national railroad crisis—where the sides supported by the public always lost—shows that public opinion without a law is powerless. WE DON'T NEED PUBLIC OPINION TO SUPPORT COMPULSORY ARBITRATION: WE NEED COMPULSORY ARBITRATION TO SUPPORT PUBLIC OPINION!

Another objection which our impractical people have to compulsory arbitration is that it is out of harmony with our system of government, and our industrial system, they mumble something about a decentralized government, about a vast stretch of territory, and complicated economic conditions. Once more they talk about practicability with their eyes shut to practice. In this country—with its decentralization, and its vast territory, and its complicated conditions—we have considerable regulation of common carriers by the governments of state and of nation. How do our numerous public service commissions, interstate commerce commissions, banking commissions, insurance commissions, railway commissions operate and enforce the laws? How do they under our peculiar government with its wild, outlandish conditions regulate rates, control service, supervise accounts, and control capitalization of common carriers? Just as the conditions in this country do not prevent them from doing all these complicated things, so they will not prevent industrial courts from doing the simple thing of making awards.

Another objection is that compulsory arbitration cannot be

enforced. Once more let me emphasize our general proposition that this law being sound in principle can be enforced just like any other law sound in principle. But, to be more specific, experience has shown that wherever compulsory arbitration has been tried, the majority of industrial disputes have never been brought up in court, but have been settled by mediation and conciliation. An industrial court does not force arbitration if the parties want to settle their differences by mediation or conciliation. It forces them to arbitrate only when they want war.

Professor Hammond of the University of Ohio, and Justice Higgins of the Australian industrial arbitration courts have pointed out that over ⅔ of the cases in that country have been settled by conciliation. The same is true of France. In France the vast majority of disputes are settled by conciliation due to their system of compulsory arbitration. Peter J. Brady, in the speech referred to, admitted that if the measure has brought about mediation and conciliation in other countries it will do so here. And it has done so in other countries for the obvious reason that capital and labor, knowing that they must arbitrate if they want to fight, prefer to settle their own differences rather than resort to a third party. They conciliate because they know that otherwise they must arbitrate. So what are we advocating, then, amounts to *COMPULSORY CONCILIATION!*

But, comes a new objection, if the disputants refuse to resort to conciliation and appear before the arbitration court—can the awards of the court be enforced? Labor, represented by Gompers and Mitchel, says the awards can be enforced upon *unions* but not upon capital. Capital says it can be enforced upon corporations but not upon unions. The truth of the matter is that in the first parts of their contentions they are both right!

Employers will have to obey the award or shut shop; and most of them will prefer to obey the award. The Interstate Commerce Commission and the public service commissions have shown that by threat of fine or imprisonment they can force employers to obey all their decisions. Labor will have to obey the awards. The Danbury Hatters case shows what can be done. Wealthy unions can be fined for disobedience, and poor unions are too weak to disobey a law backed by public opinion.

"A judge," says Henry Demarest Lloyd, "cannot compel a man to work; that is true. Only a Pullman or a Spring Valley

Coal Co., can do that. Arbitration would have to leave workman or capitalists free to work or not, as they choose. But it would say—and enforce it—that if they did work they must do it on the terms judicially prescribed!"

So we see that the awards of the industrial court—like the awards of any of our courts and commissions—can be enforced.

The only remaining objection, that the awards might be intolerable, is of course pure nonsense. Of course these awards will not be as fair and as tolerable as the awards of Justice Rockefeller in Colorado and Bayonne; or Judge Shonts' award in New York City; or the award of the Supreme Court of the Railway Brotherhoods. But since we might have in our industrial courts men who are not idiots; but are wise, experienced representatives of labor, capital, and the public—their decisions will be nearly as tolerable.

Compulsory arbitration, therefore, is not only necessary, logical, and sound in principle:—but it is also workable, enforceable, practicable.

This is our case, Ladies and Gentlemen. If it is compact and irrefutable, that is due not to our debating prowess but to the inherent strength of the principle of compulsory arbitration. We are not at all responsible for the fact that compulsory arbitration is absolutely necessary because all other methods have failed to meet the situation; that it is an equitable and just method of settling industrial disputes; that it is the logical climax to our *entire* social and industrial development; and that being so sound in principle, it can be enforced like any other sound principle. For these things, as I have said, we of the Affirmative are not responsible. They simply are so and they show that we ought to adopt compulsory arbitration in the United States.

NEGATIVE SPEECHES IN DEBATE AGAINST YALE UNIVERSITY

FIRST NEGATIVE

Joseph L. Freedman, Columbia

Mr. Chairman, Ladies and Gentlemen: With the object of the Affirmative we have no quarrel. When they seek to attain industrial peace they have our unqualified support. *But,* when they think that this industrial peace can be secured by means of compulsory arbitration, we come to the parting of the ways; because *we* believe that compulsory arbitration will never accomplish its purpose!

The task before the Affirmative is no mean task. To establish its case it must establish three points. First, that compulsory arbitration is absolutely necessary. No appeal to sentiment can prove this point. No vivid pictures of Bayonne and Colorado can prove it. These pictures can only show that the ills which they seek to cure must be cured; but not that the medicine which they offer is the right medicine. To prove that compulsory Arbitration is absolutely necessary, the Affirmative must show that all forms of voluntary arbitration, of mediation, of conciliation, of trade agreements, and of compulsory investigation are incapable of dealing with the situation; that these remedies—not open to the objections of the proposed plan—are not only insufficient *now,* but that they can under no circumstances be made effective! . . .

If they can thus establish that compulsory arbitration is necessary, they must also prove that it is thoroly sound in principle. First, they must show that compulsory arbitration is a logical extension of our legal system. Second, that it is the proper climax to our industrial and social development. Third, that the decisions of the proposed courts be equitable. Fourth, that compulsory arbitration would be a spur and not a deterrent to industry. And finally, before they could even begin to convince us that their measure is sound in principle, they must prove conclusively that compulsory arbitration would remove the *causes* of strikes! . . . These are the five important points that

the gentlemen must establish to show that their measure is sound in principle.

This, I fear, they will find it difficult to do. But the end of their task is not yet. They offer a solution to an industrial evil. Even if they could show that their solution is the necessary one and that it is sound in principle, they must answer to the satisfaction of all this vital question:—WILL IT WORK? . . . The plan may sound plausible, but is it *PRACTICABLE?* To establish practicability the Affirmative must prove that compulsory arbitration would accomplish its purpose. To accomplish its purpose compulsory arbitration must prevent strikes, lockouts and other forms of industrial warfare; the awards of the court must be enforceable; and the proposed law must be supported by social sanction. All of these things the Affirmative must prove —and more. They must demonstrate that compulsory arbitration is practicable for *small* industries as well as for public utilities; that it will work not only for railroads and oil companies, but also for small hat plants and tin-whistle factories. The Affirmative, if they are practical, must tell us whether they propose to have awards binding upon the parties to the dispute only, or the entire industry in which these parties are engaged? Do they propose to have the courts deal with union labor alone, or with all labor? If with union labor, what do they propose to do with the tremendous host of non-union workers? If a strike is threatened because the employers refuse to recognize the union, what will the courts do?—recognize the union and violate the principle of the employers; or fail to recognize the union and violate the rights of labor?

These are all questions the Affirmative must answer. This overwhelming burden of proof rests upon their shoulders. If they fail to establish one single link in that chain of arguments, their case fails. If the Negative disproves one single link in that chain, their case fails again. And we intend to attack only one link. We intend to prove only one thing to-night:—that compulsory arbitration is impracticable. We maintain that it is impracticable for three reasons. First—it has been tried in Australasia under the *most favorable* conditions and has failed. That shows it has been found impracticable. Second—it must fail in this country because social sanction is lacking. That shows it is impracticable for us. Third—it is fundamentally wrong in principle. That shows *why* it is impracticable.

My particular province and pleasure is to drag compulsory arbitration out by its ears and exhibit it to you in all its inglorious nakedness; compulsory arbitration stripped bare of the verbal trappings of theory and sentiment; compulsory arbitration as it is actually carried out today in Australasia under the most favorable conditions. We shall consider three things: the plan, the conditions, the results.

Please remember, Ladies and Gentlemen, that when the law was adopted by Australasia it contained the five essential features of a compulsory arbitration law. *Any* plan which the Affirmative may offer must contain these five features: Differences *must* be submitted to arbitration; witnesses *must* testify; the parties *must* refrain from strike or lockout during the investigation; the board *must* reach a decision and announce an award; the parties *must* observe the award and refrain from strike or lockout during its life.

This is compulsory arbitration. This is the plan Australasia had. Now, Ladies and Gentlemen, let us consider the conditions under which the plan was given a trial. In Australasia the people are accustomed to governmental regulation. They have government ownership of public utilities; minimum wage laws; laws regulating the hours of labor; insurance laws for the unemployed, the widowed, the sick, the aged. If we in the United States had Australasian laws without compulsory arbitration the Colorado strike of 1913 could never have taken place; because the war arose over the question of recognizing the union, and in Australasia unions are recognized and encouraged by law! If we had Australasian laws the railroad situation of last summer could never have taken place, because the eight hour day has long ago been established by law! What a splendid opportunity compulsory arbitration received in Australasia!

We have seen the plan; we have seen the ideal conditions. Now let us examine the results. Here is the plan proposed by the Affirmative operating in this industrial paradise, and how does it work? Does it do away with strikes? Not at all! Despite the most propitious conditions compulsory arbitration has failed miserably! Strikes have *not* been reduced; they have actually *increased* in number and importance. New South Wales, the largest and most prosperous state of Australasia, *has* compulsory arbitration. From 1910 to 1914 strikes increased 300 per cent! The number of workers involved increased 500 per cent! The

number of workdays lost increased 700 per cent! New South Wales went to work and strengthened its compulsory arbitration law in 1913; and the very next year they had more strikes than ever! If we had proportionately as many strikes as New South Wales with its compulsory arbitration had in 1914 we'd have 5,000,000 men out of work—one quarter of our industrial population on strike! . . . That's how compulsory arbitration worked in New South Wales. . . .

In West Australia the people become sick of the sham and threw compulsory arbitration overboard. And even New Zealand with a population of only a million had the pleasure of discovering the wonderful way in which compulsory arbitration preserves industrial peace. They had the Wellington strike of 14,000 workers where 1,000 constables had to be called out to prevent the farmers armed with pitchforks from annihilating the strikers who were preventing the shipment of crops. As a result the entire country had to be put under martial law. And all this while they *had* compulsory arbitration.

Now, Ladies and Gentlemen, surely these events speak for themselves. Compulsory arbitration in Australasia under the most favorable conditions, has been a miserable failure. That is a fact. How, then, can we expect it to succeed in this country where conditions are not favorable to the plan?

This, of course, is a purely rhetorical question. Compulsory arbitration cannot be practicable here. We have, however, two questions which are not meant to be rhetorical. We should like to have the next speaker of the Affirmative answer them:—First, what specific plan of compulsory arbitration courts do the gentlemen of the Affirmative propose? Second, if that plan were instituted, would employees be compelled to continue work and employers to continue business under the terms of the award; or would employees have the choice of quitting work and employers that of discontinuing business if the decision of the court is unfavorable? In the discussion of the practicability of compulsory arbitration these questions are vital, and we await reply from the next speaker.

SECOND NEGATIVE

Horace S. Manges, Columbia

Mr. Chairman, Ladies and Gentlemen, and Honorable Judges: Our first speaker pointed out to you that compulsory arbitration is impracticable because it failed in New Zealand and Australia —failed miserably, in spite of the fact that social, political, and economic conditions were usually favorable to its success. I shall show that compulsory arbitration is impracticable because it lacks social sanction, by which we mean the uniform and determined support of the community. Any law—to be effective —must have this social sanction, and to quote Prof. Simeon E. Baldwin of Yale, of whom the gentlemen of the Affirmative may have heard, our entire legal system rests upon this very doctrine. We are going to prove that a compulsory arbitration law, lacking as it would, social sanction, is ineffective and impracticable. To illustrate, we have in New York a statute forbidding the exhibition of movies on Sunday, which statute was affirmed by the New York Supreme Court only two weeks ago. The day after this affirmation, Mayor Mitchell announced that he would continue to ignore the enforcement of the law inasmuch as he was convinced that the people of New York City were in favor of Sunday movies. The law, then, is ineffective and a dead letter here, simply because social sanction is lacking. We have another statute in New York forbidding the sale of liquor on Sunday, and yet if any gentlemen in the audience have been unsuccessful in quenching their thirst on the Sabbath, will they kindly step up on the platform after the debate? This statute, too, is ineffective because it has not the required social sanction. Absence of social sanction, then, renders any law a nullity and is injurious to our whole judicial fabric. Now, does compulsory arbitration command this most necessary social sanction? Most emphatically, no! Compulsory arbitration cannot command social sanction for three important reasons. In the first place, capital is opposed to it and refuses any sanction; secondly, Labor is opposed and refuses its sanction; and finally, the community at large is unprepared to lend its social sanction. First as to capital. Capital has firmly stated that it is strongly opposed to any form of compulsory arbitration. Mr. Douglas, the well-known shoe

manufacturer of Massachusetts, recently said, "It appears to me that the mixed nature of our population, not yet fused, and exhibiting varying degrees of enlightenment and ignorance on the one side or the other would render any law inoperative which contemplated the compulsory reference of disputes arising between private parties and their workmen." Another indication of the opposition of capital to compulsory arbitration is the statement of Mr. Frederick W. Whitridge, President of the Third Avenue Railroad Co., in New York City. In dealing with a recent strike, Mr. Whitridge said, "Arbitration between me and my servants is impossible. When you ask me to go to arbitration, it seems like my going to my cook and saying, 'I want beefsteak for dinner.' She says, 'You'll get lamb chops.' I say, 'That won't do.' She says, 'We will arbitrate.'" The "Survey" for September 23rd, in an article showing capital's objections to compulsory arbitration, says, "Arbitration is viewed with suspicion by both parties, capital and labor" and the same article gives a long list of strikes where capital opposed arbitration before the matter was even broached to labor. Arbitration was opposed by capital in the great anthracite coal strike of 1902, it was opposed in the steel strike in 1909, it was opposed in the Colorado strike in 1913, and it was opposed in the Cloak and Suit Mfgrs. strike in 1916. You see, then, Ladies and Gentlemen, capital is opposed to compulsory arbitration and refuses its sanction to any such system. Labor too has denounced compulsory arbitration and has manifested its distrust. Mr. W. G. Lee, President of the Brotherhood of Railway Trainmen said at the last convention of the American Federation of Labor on November 25th, "We will fight a compulsory arbitration law as long as we have breath to fight anything" and the whole convention cheered him to the echo. Mr. Samuel Gompers, President of the Federation, as far back as August 1911, made a statement before that body that arbitration is possible only when voluntary and that he was strongly opposed to compulsory arbitration. Not only is labor antagonistic to the proposed *new* courts of arbitration, but it is exceedingly distrustful of the courts which *already* exist. For example, in the Final Report of the Committee on Industrial Relations, published this year we find this statement, "No testimony presented to the commission has left a deeper impression than the evidence that there exists among the workers an almost universal conviction that

they, both as individuals and as a class, are denied justice in the enactment, adjudication, and administration of the law." Testifying before the same commission, Professor Taft of Yale said that labor's distrust of courts is not only deep-rooted but also well-founded. We are not praising or blaming this attitude but are merely calling your attention to its existence, for while it exists labor will never lend its sanction to a new and more powerful court. Organized capital and organized labor are violently opposed to compulsory arbitration and of course withhold their sanction.

As for the community at large, only during an industrial dispute affecting a public utility, such as a street car strike, does the community form that definite opinion and evince that active interest upon which social sanction depends. Let me point out to you and let me emphasize the point that the gentlemen of the Affirmative are advocating compulsory arbitration for every single dispute of whatever nature—not limiting themselves to public utility strikes—but supporting the proposition even for those other strikes about which the public has no opinion and no interest and hence, cannot give social sanction.

What does the public care about a strike in a can opener manufacturing company or a pickle factory? How many of you ever heard of the Phenol strike, the rubber works strike, the King Sewing Machine Company strike, the Bliss Torpedo Company strike, all of which occurred this year, and do you not know and does not the Affirmative know, that these non-public utility strikes of which hardly any one of us ever hears, form *nine-tenths* of *all* industrial disputes? To the settlement of these, it cannot be said by any stretch of the imagination that the community lends its social sanction. Here we are then, Ladies and Gentlemen, capital and labor refuse their sanction, and the community at large is unprepared to give any sanction on nine-tenths of the disputes. Question, where is our necessary social sanction? Answer, *it isn't.* Compulsory arbitration is impracticable because it lacks social sanction.

To conclude, we have so far based our case as follows: compulsory arbitration failed in Australasia under favorable conditions. It cannot succeed in the United States under unfavorable conditions. Lack of social sanction makes compulsory arbitration absolutely impracticable.

A government like ours which has favored individual enterprise to so great an extent that it has failed to adopt the broad social legislation of France, England, and Germany cannot suddenly adopt a law which is a climax to the others. Even centralized Germany, with all its government control of industry, with all its military ideals, with all its social legislation, has maintained that compulsory arbitration is unthinkable, and His Excellency Herr Delbrück, German Minister of Commerce, says that even if it were enacted, compulsory arbitration could never be enforced. How then can it hope to succeed in the United States?

THIRD NEGATIVE

Edward M. Earle, Columbia

Compulsory arbitration is impracticable. It failed in Australasia under conditions extraordinarily favorable to its success. It lacks that social sanction which is necessary to the success of any law. And, finally, it is fundamentally wrong in principle. It is compromise, not settlement; it is aimed at strikes without reference to their causes; it is a superstructure of detail—a purely mechanical device—with no foundation in policy.

After all, strikes are not ends in themselves, but merely indications of certain phases of industrial unrest, such as low wages and long hours; unemployment and consequent poverty; denial of the right and opportunity to organize; and unsatisfactory working conditions. The Report of the Commission on Industrial Relations, published in 1916, points out that almost one third of the male workers in factories and mines earn less than ten dollars per week; more than two thirds earn less than fifteen dollars, and only about one tenth more than twenty dollars. Under existing conditions an adequate income is not received by fully one half of the wage earners employed in industry. Almost three quarters of women workers in industrial occupations work at wages of less than eight dollars per week, the minimum estimated for decent subsistence. In 1915, 35,000 workers were killed in American industry, and over half of these casualties could have been prevented by the installation of proper safety devices.

Such conditions are the great fundamental causes of industrial warfare. How shall we deal with them? The gentlemen of the Affirmative propose temporizing compromise; for that is what compulsory arbitration connotates. The awards of the proposed courts must be based upon expediency, not on even an approach to equity and justice; if the decisions are not made with constant consideration of the fact that they must please the litigants or be disregarded, then the courts will be in an even more unenviable position than we already have pictured. Now, we submit that the conditions depicted by the Commission on Industrial Relations are not subject to any such makeshift compromise as the gentlemen propose. Attempts to settle this fundamental industrial dissatisfaction by patent-medicine methods are doomed to failure.

No matter how much you may favor compulsory arbitration, you must admit that it is at best a palliative, not a remedy. It fails to strike at the roots of our industrial troubles. It cannot prevent or reduce sweating, or unemployment, or industrial accidents; it can deal only with *organized* labor and therefore can do nothing to improve the conditions of the great army of the industrially impotent who, because of their ignorance or the nature of their employment, cannot protect themselves by collective bargaining. These problems, ignored by the gentlemen's proposal, are all irritants of the great festering industrial sore. Compulsory arbitration can only compromise in the major causes of strikes; it deals not at all with the indirect and minor causes, which, because of their terrible toll of misery, poverty, and death, aggravate industrial dissatisfaction, foment sullen hatred, and provide an impetus to the ever-increasing sense of economic injustice. The gentlemen of the Affirmative propose compulsory arbitration because they believe that it promotes industrial peace. At best it would be a peace-at-any-price. But it is not any kind of peace. It is a patchwork repressive program which must have no effect other than to sow the seeds of revolution and anarchy.

One of the colossal failures of our democracy has been that we have sought to work out governmental machinery which automatically would solve all political and more particularly, industrial problems. As a result, we have compromised, and temporized, and postponed. But the time has come when we must face the problem squarely. We cannot put off any longer the

determination of a broad public policy toward industry; if we do, we are inviting the widespread industrial warfare which we all seek to prevent.

Are we going to recognize and legally encourage the organization of labor into efficient and capable unions? Are we going to accept the principle of the eight-hour day? Are we going to permit the continuance of the parasitical system of sweatshops? Are we going to establish a minimum of subsistence and decency below which the wages of no workman may legally fall? Are we going to conserve our physical and economic resources by providing a sane but comprehensive system of insurance against accidents, illness, and old age? These questions must be faced and answered by the American people before compulsory arbitration can be thought of. They have been satisfactorily answered in so many European countries, and in a few of our own states, that they no longer are debatable propositions.

We are justified in leaving to courts and commissions—to courts of arbitration, if you will—the details of a policy, but we never must shirk our legislative responsibilities in the manner which the gentlemen suggest. Compulsory arbitration attacks the whole problem of industrial peace wrong end to. It is a superstructure of detail, with no foundation in policy.

The gentlemen of the Affirmative doubtless will maintain that they favor a program of social legislation as well as compulsory arbitration courts. But the industrial problem after the determination of these broad, general policies will be as different from the present state of affairs as night is from day. However, these absolutely essential conditions are not yet; and the hard fact is that we are judging compulsory arbitration on the conditions existent in 1916. Suppose, for example, that we had had compulsory arbitration last August. We still would have been threatened by a serious industrial dispute—probably a strike—involving 600,000 men—all over a question of principle, the eight-hour day, which was settled in Australia in 1852. It is certain that no device for securing industrial peace will afford any relief until we have spent more time in preparing the ground for it; and, as we already have shown, compulsory arbitration is not satisfactory even for the interim.

Our quarrel with the gentlemen of the Affirmative is not with their end, but their method. Our sole contention is that they

seek industrial peace through a plan which is impracticable. In Australasia, under conditions which were most favorable to the success of compulsory arbitration, it failed. If it fail in the presence of constructive legislation which removed the major causes of strikes and lockouts, how much more is it doomed to failure in the absence of all such legislation! In the United States the gentlemen's proposal lacks that social sanction which is essential to the success of any law; the sentiment of labor and capital is almost entirely opposed to its enforcement, and the general public is uninformed and uninterested in the great majority of cases. Finally, compulsory arbitration is wrong in principle. It overlooks the causes of strikes; in this it is unscientific. It makes no provision for the problems of the unorganized worker; in this it is uneconomic. Its decisions must be based on compromise and expediency; in this it is inequitable. It is a makeshift mechanical device with no foundation in legislative policy; in this it is illogical and impolitic. And we maintain that any plan so fundamentally unsound in principle is inherently impracticable.

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CHAPTER VI

PROGRESSIVE INHERITANCE TAX

UNIVERSITY OF CHICAGO

RESOLVED, *That the Federal Government should adopt a progressive inheritance tax (constitutionality conceded).*

These are the speeches delivered by the teams representing the University of Chicago in the annual intercollegiate debates of the Central Debating League, composed of the Universities of Chicago, Michigan and Northwestern. The debates were held on January 19, and the Chicago Affirmative team defeated Michigan at Ann Arbor, Michigan won from the Northwestern Negative team at Evanston, Ill., and the Northwestern Affirmative team won from the Chicago Negative at Chicago, leaving the result a triple tie. The most interesting matter in connection with this year's debates was the introduction, agreed upon between Northwestern and Chicago, of strictly undergraduate teams. Against Michigan graduates were used as heretofore. This report of the debates was made from manuscript furnished by the debaters. The briefs and bibliography have been supplied by the editor.

BRIEF

PROGRESSIVE INHERITANCE TAX

Affirmative

A progressive inheritance tax should be adopted as a permanent source of Federal revenue.

I. The Federal Government needs and will continue to need a great increase in revenue.
   A. Our outlay in the field of military preparation will be enormous.
   B. Our natural resources, transportation agencies, and our great industries must be made efficient for the national welfare.
      1. Foreign banking and trade relations will be increasingly necessary.
      2. Our merchant marine must be enlarged and made efficient.
   C. The concentration of powers in the hands of the Federal Government will require a larger outlay of funds.
      1. There is always a large deficit.

II. The present sources of Federal revenue cannot be relied upon to meet the fiscal needs of the future.
   A. The tariff is at best an unstable source.
      1. It is too dependent upon politics at present.
      2. If taken out of politics and adjusted on a scientific protective basis, it would not be elastic.
   B. Our internal revenue is dwindling.
      1. The tax on liquors brings in constantly diminishing returns.

III. An inheritance tax will be adequate for our needs.
   A. The revenue that can be secured yearly from such a tax will be very great.

B. This amount would tend to increase rather than diminish.
C. The amounts necessary can be raised without harming the states.
1. Surpluses in collection could be turned over to them.

IV. The inheritance tax fulfills all the canons of a good tax.
A. It is easily and certainly assessed and collected.
1. It cannot be evaded.
B. It is certain and stable in amount.

V. The Government needs a progressive tax to offset the tariff and excise taxes.
A. The inheritance tax answers to the requirement that each should be taxed in proportion to his ability to pay.
B. The tariff and excise taxes fall disproportionately heavily upon the poor.
C. The income tax is not enough to offset this tendency.

VI. Other methods of meeting the emergency that have been suggested are unsound and inadequate or impracticable.
A. Bond issues are unnecessary for an emergency deficit.
B. Expansion of our present sources of Federal revenue means a greater burden placed on those less able to pay.
C. It is impracticable and unjust to raise the rates of the income tax and decrease the exemptions.
1. Present rates are inadequate.
2. Increase of rates leads either to evasion or to inquisitorial methods of collection.

VII. The Federal inheritance tax is valuable as a social measure.
A. It will curb the accumulation of large fortunes.

Negative

The inheritance tax should not be adopted by the Federal Government but should be reserved exclusively for the states.

I. The point of greatest weakness in our entire program of taxation today is found in the state systems.

A. There is the general property tax which has been condemned by tax experts and economists.
   1. That part of the personal property tax bearing on intangible property can too easily be evaded.
      a. This results in too heavy a burden upon the poor whose property is almost wholly in tangible form.
      b. This part of the general property tax should be abolished.
   2. The state tax on realty results in injustice because of the different bases of assessment as between town and town or county and county.
      a. This form of taxation should be left to the towns, counties and cities.
   3. These reforms are urged by tax associations and tax experts everywhere.

B. The general property tax has already been largely dispensed with in a few states.
   1. The inheritance tax has been adopted as a substitute.
   2. If these states were deprived of the revenue they might secure from an inheritance tax they would be forced to return to the general property tax.

II. The states have a greater need for an inheritance tax whereby to increase their revenues than has the Federal Government.

A. The states perform many important functions that vitally affect the life, liberty and property of every individual.
   1. Many matters are relegated to the states in this country that are elsewhere matters of national concern.

B. In spite of increasing centralization of government, state expenditures are increasing faster than national expenditures.
   1. There is need for constantly increasing outlay for social reforms and legislation.
      a. The burden of this has fallen almost wholly upon the states.

2. There is a constantly increasing demand for funds for building state roads, improving state property and enlarging educational facilities.

C. The states have more difficulty in finding sources of revenue.

1. The property tax has proved vicious and inadequate.

2. The enactment of a Federal income tax law prevents the states from securing the revenue from this source that they otherwise might.

3. The states cannot effectively administer a corporation tax.

a. Many corporations do an interstate business and this is in the province of the national government.

III. The inheritance tax is best suited to the needs of the states.

A. The state controls the transmission of property, and the courts through which the property passes, also appoints executors and administrators for the estates.

B. An inheritance tax can be laid and collected most simply and easily by state officials.

C. The National Tax Association has repeatedly urged that the inheritance tax be left as an exclusive source of state revenue.

IV. A Federal inheritance tax will not be desirable for other reasons.

A. Unless very high rates are imposed it will not result in equalization of burdens.

B. If the rates are high wholesale evasion will inevitably result.

C. The amount of revenue that can be secured from a national inheritance tax is limited.

D. For such states as retain an inheritance tax it will mean double taxation.

E. It will injure the inheritance tax as a tax.

1. The simplicity of administration possible to a state inheritance tax would give way to complexity and confusion.

F. It will injure our taxing system as a whole by upsetting it.

V. The Federal Government can find other sources of taxation.

A. Bonds can be issued for needs of preparedness, merchant marine, etc.

B. For other needs many just taxes are available.

1. More revenue can be secured from the income tax.
2. A progressive tax can be laid on tea and coffee as is done in other countries.
3. Interstate commerce, and manufacturers of munitions, etc., can be taxed more heavily without injustice.

PROGRESSIVE INHERITANCE TAX

UNIVERSITY OF CHICAGO

Affirmative Speeches in Debate against University of Michigan

FIRST AFFIRMATIVE

Gaylord W. Ramsay, Chicago

The subject of taxation is not new. It has existed in various forms since the earliest days of organized society. Money raised thru the machinery of taxation has ever constituted the indispensable sinews of government for war and for peace.

The inheritance tax as one of the many forms of taxation is likewise not a new topic for discussion. When a wealthy person dies, his or her wealth lapses to the heirs or other persons previously designated by the deceased. A genuine gift is taken over by these successors. The right to tax this gift was recognized as early as the days of the Roman Empire, while, today, practically every civilized nation uses inheritances as an important source of revenue. Inheritances are taxed in Australasia, Austria, Belgium, England and the British Provinces, Denmark, France, Germany, Greece, Holland, Italy, Portugal, Russia, Spain, Sweden, Switzerland, and the United States. For many years, shares of such estates have been so secured, and the amounts have been used to meet the ordinary and the extraordinary expenses of government.

In our own country, the states of the Union have so widely accepted the principle of the tax, that today, forty-four states have inheritance taxes. Three times in the past, has our Federal Government recognized the tax as a desirable source of revenue. In 1797, in 1864, and again in 1898, the tax was resorted

to as a temporary fiscal measure. Then, in 1910, Congress for the fourth time chose inheritance as a source of Federal revenue. The marvel is that this was not done sooner. However, we are today in accord with a principle of taxation adopted by every influential nation of the world.

In view of the universal recognition accorded the principle of the tax both in Europe and this country, we believe that the gentlemen of the Negative must agree with us in the conclusion reached by Professor Joseph Underwood of the National Tax Association. He states: "A defense of the inheritance tax is superfluous. Its existence in all but a few of the civilized nations and . . . the more backward states is its chief defense." If then the tax presents any new phase at all in the debate this evening, it lies in this: that we propose it as a permanent source of Federal revenue.

We are aware, honorable judges, that ordinarily the burden of proof in a forensic contest is upon the Affirmative. But since the question for this debate was submitted last June, Congress has adopted the so-called "estates-tax" of September, 1916, the "estates-tax" being but another name for the inheritance tax. Bear in mind, that the question we are debating concerns the general principle of an inheritance tax. Therefore it is not incumbent upon us to defend all of the details of the measure of 1916 even tho we might choose to do so. However, since Congress has for the fourth time approved of the principle, we wish to point out that we are advocating to-night nothing radical, nothing new, but merely a principle of taxation that has already been sanctioned by the highest law-making bodies of the land. In view of this fact, we believe you will agree with us that the burden of proof on this occasion is really upon the gentlemen of the Negative. They must show that our Congress was wrong when they adopted the principle of a tax on inheritances.

The precise form of tax we believe in as a permanent source of Federal revenue, is a progressive inheritance tax, that is—a tax levied on the basis of a man's ability to pay. For instance, the person who receives an estate of $50,000 will pay a relatively low rate, while the person receiving an inheritance of $50,000,000 will pay a much higher percentage. This progressive feature of the tax has long been considered one of its fundamental advantages.

With this brief survey of the history and nature of the inheritance tax before us, let us now consider the reasons that make it imperative that this tax should be used as a permanent source of Federal revenue.

In the first place, the Federal Government now needs, and will continue to need, a great increase in revenue. These are days when military and economic preparedness are foremost in the minds of thinking men. Only six months ago, "Preparedness Parades" voiced the national sentiment. In the field of military preparation, our outlays must of necessity be enormous. As part of our naval program, the last Congress passed a bill providing for 66 fighting craft. Already the House naval committee is at work on a bill for 1918 which will provide for 42 more craft at an expenditure of $360,000,000. On November 29th, our Secretary of the Navy awarded contracts for more than $65,000,000 worth of fighting ships. Add to this $65,000,000 the amounts of the contracts subsequently to be awarded under the 1916 naval bill, the $360,000,000 involved in the 1918 bill, the millions that are to be expended in the increase of our army, and on boundary and coast defenses, and the total swells into the billions.

The Great War of Europe has not only taught us the necessity of military preparedness, but, more important, it has re-emphasized the imperative need of economic preparedness. Our nation will be truly strong, either for war or for peace, when we are self-sufficient, so to speak. Our natural resources, our agencies of transportation, and our great industries must be made efficient from the standpoint of long-run national welfare. We must look forward in every line if we are to meet the fierce commercial competition of the future in the markets of the world.

America must look beyond her own borders for the future. We are now a "world-power"; we have attained a modest "place in the sun," if you please; but it will require eternal vigilance if we are to avoid entering the shadow that may foretell eclipse. This may be a figure of speech, Ladies and Gentlemen, but it coincides with the indisputable facts. Talk with our statesmen, our captains of industry, your leading merchants, and they will tell you that they fear for the economic future of our country when the Great War is over. Foreign banking relations and foreign trade connections are a necessity. Above all, an efficient and extensive merchant marine is absolutely indispensable. This

matter has long since passed the stage of academic discussion and is no longer a debatable topic. Hundreds of millions of dollars will be required to carry out these undertakings.

As evidence that this is no mere theoretical argument on our part, we point to the ever-increasing concentration of powers in the hands of the Federal Government and the marked extension of its work thru an Interstate Commerce Commission, a separate Bureau of Labor, a Federal Reserve Board, a Federal Trade Commission, and the recently appointed Tariff Commission.

Now whether or not we personally agree with military and economic preparedness and the concentration of functions in the hands of the Federal Government, is quite immaterial. The trend of the times is unmistakable. Whether we like it or not, the United States has entered upon a new era—the Nationalistic Era. Ladies and Gentlemen, the incontrovertible facts of the situation must be frankly faced. These gigantic undertakings, many of them already under way, will require enormous outlays of money. And the Federal Government must have the necessary funds.

This is not mere theory. These are the hard, cold facts of the situation. Already we are facing a deficit in our national revenues. Early last autumn, the Treasury Department stated the deficit would be over $50,000,000 at the end of the next fiscal year. On December 26th, the Department stated it would be about $300,000,000; and then, on January 3rd, the total was placed at $370,000,000. Only two days ago, the total deficit was placed at $525,000,000. To avoid an increase of this deficit and a consequential growth of the national debt, and to help carry out the national program already under way, we must have an inheritance tax as a permanent source of Federal revenue.

The Affirmative presents as our second contention that the present sources of Federal revenue can not be relied upon to meet the fiscal needs of the future. H. Parker Willis, Secretary of the Federal Reserve Board, has said: "The rising expenses of the Federal Government indicate that funds from the tariff and internal duties, . . . will, in the comparatively near future, be inadequate to meet these requirements." Ladies and Gentlemen, it is a matter of common knowledge that these sources are unstable and inelastic. The tariff is at best an unstable source. The tariff is levied primarily for other than fiscal purposes, and the amounts of revenue it will furnish depend entirely upon

the views of the political party in power upon the question of protection. Take it out of politics and adjust the rates on a scientific protective basis, and we get a fixed but not an elastic source of revenue. On the other hand, our internal revenue is dwindling. Take for instance, the tax on liquors. Statistics show a marked decrease in revenue from this source. The 1915 Report of the Commissioner of Internal Revenue (p.5) shows that liquors produce the largest amount of internal revenue, over $215,000,000 being secured in 1915. But this sum was over $23,000,000 short of the amount received the preceding year. A material revenue from liquors will soon be a thing of the past. As the Prohibition movement sweeps the country, it spells defeat for Demon Rum, our principal source of internal revenue. And viewing the recent victory of the "Drys" in the great Commonwealth of Michigan, the Gentlemen of the Negative will undoubtedly agree with us that it has been decreed that John Barley-Corn must go! What is the bearing of this upon the question we are discussing this evening? It means a dwindling source of Federal revenue. It means that other sources must be found.

Ladies and Gentlemen, the United States has entered upon the Nationalistic Era. In the Civil War, we learned the costly lesson that our nation could only endure when there was union and efficient Federal control. The War of 1898 gave us position as a world-power. However, we have been living in a sheltered valley, dotting it with farms and factories. Too often have we lost sight of the everlasting things that matter for a nation. But the Great War in Europe has recalled and taught us, lessons. When Empires envy, might still hews a way thru right. The ocean is no longer a formidable barrier but a beckoning highway. That nation can best endure which builds for defense and security, for economic strength and the protection of its people. These are enough—to teach us that if our nation would endure, we must provide the indispensable sinews of War and of Peace. We must have a permanent and adequate source of Federal revenue! This is why we advocate a Federal progressive inheritance tax.

SECOND AFFIRMATIVE

Sidney Pedott, Chicago

My colleague has pointed out that according to the latest report of the Secretary of the Treasury there will be a deficit of $370,000,000 for the next fiscal year. He has laid bare the need of billions of dollars to meet the programs of military and economic preparedness now before the country. Further he has shown that the import and excise taxes which furnish seventy-five per cent of our total federal revenues are unreliable. The import tax serving as a football in a great political game between the two national political parties suffers change with every change of administration. It is raised or lowered depending much on the pendulum swing of political opinion. The excise taxes, especially those on liquor, are fast dwindling owing to the spread of the Prohibition sentiment. To meet the urgent needs of the Federal Government in the most equitable manner, we are proposing tonight a progressive inheritance tax.

Now as to the evidence that an inheritance tax is adequate to the nation's needs. Professor A. S. Johnson, of the Leland Stanford University, and one of the editors of the New Republic in 1914, in Volume 115 of the Atlantic Monthly, each working independently of the other, made the following estimates whose striking similarity would seem to indicate their approximate correctness. $5,000,000,000 is the average amount, they say, that passes through the probate courts yearly. One-half of this amount is in estates of $50,000 and over. Our proposal is this: On these estates, which total up to two and one-half billion dollars, there shall be a tax range of ten to twenty-five per cent, averaging twenty per cent, so as to bring an annual return of $500,000,000.

The probabilities are, Ladies and Gentlemen, that the income derived from this tax will be largely increased. According to the report of the Bureau of Census for 1915 the total wealth of this country has increased from $88,000,000,000 in 1900 to $187,000,000,000 in 1912, an increase of two hundred and fifteen per cent. It is therefore reasonable and natural to expect that the amount passing through probate increases in

proportion, and hence the revenue from this source is constantly increasing.

Now let us turn from the revenue possibilities of this tax to its administrative advantages. The decedents' estates all pass through the probate courts and hence are recorded in such a manner as to make concealment of the amount absolutely impossible. The tax, moreover, is levied while the property is in transit from decedent to heir and hence its collection is perfectly simple. Further, when levied by the Federal Government evasion of the tax from one state to another is obviously out of the question. Finally the tax is certain and definite in amount only when levied by the Federal Government. The law of averages over so large an area and with 100,000,000 of people works out with unusual precision. Every year practically to a fraction the same number of people die possessed of the same aggregate total of wealth. Statistics indicate this with a most striking accuracy.

The Federal inheritance tax therefore fulfils all the canons of good taxation. It is adequate to meet the needs; it is easily and certainly assessed; it is easily and certainly collected; and it is certain and staple in amount. We conclude, therefore, that it will secure the revenue so badly needed by the Federal Government.

Now our second reason for advocating a progressive inheritance tax is that the Federal Government needs a progressive tax to offset the regressive nature of the customs and excise taxes. It is a fundamental principle of sound taxation that taxes should not fall disproportionately heavily on the poor. But on the contrary they should be levied in proportion to ability to pay. If not based on this principle taxation itself will lead in the end to unbalanced social development and social weakness.

This is no new theory of taxation evolved by us to meet the needs of this debate. It has been recognized ever since the days of Adam Smith, the father of political economy, down to the present time. He says in his "Wealth of Nations," page 347: "The subjects of every nation ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities." Practically every authority is agreed on this—Gide, Schmuller, Plehn, Ricardo,

Bastable, Bullock, Seligman, Taussig, and Henry C. Adams, of the University of Michigan.

In the light of this principle what are the facts as regards our Federal taxing system? At present indirect taxes furnish $600,000,000 or over seventy-five per cent of the total Federal revenue. These taxes are levied with the full knowledge that they will be shifted to the consumer. It is from this fact that they derive their economic significance, being most properly called indirect taxes.

For instance, Mr. Jones, the owner of the University Book Shop, imports books from Germany selling at five dollars apiece. He pays, let us say, an import duty of one dollar. Naturally he has to add one dollar to the selling price of the volume, so that Sophomore Smith of the medical school pays six dollars for his Sponhof on Bones.

When the Reynolds Company places internal revenue stamps on a can of Tuxedo tobacco it does not out of the kindness of its heart refrain from passing the cost to the consumer. Its own cost having been increased it must add the amount to the selling price.

Note, Honorable Judges, all consumers pay alike, and the important fact is that two cents on tobacco, two cents per pound of sugar, three or four dollars on a suit of clothes, three or four dollars additional on an overcoat, at the end of a year amount to a significant proportion of a laboring man's income while it is hardly felt by the rich man. Concretely: Mr. Johnson, a janitor at the University of Michigan, with his salary of, let us say $800 a year, pays from five to ten per cent of his income to the national government, while Mr. Henry Ford, with his enormous profits amounting to $50,000,000 a year pays about one one-thousandth of one per cent.

It is perfectly obvious, therefore, that the customs and excise taxes press very heavily on the poor and but lightly on the rich. Five or ten per cent of the income of a poor man, and one per cent, one-tenth of one per cent, and even one one-thousandth of one per cent of the income of the rich man. Bear in mind that it does not even give a proportional tax. Rather than being progressive these taxes are heavily regressive.

You may ask, What about the progressive income tax? Does not this correct the inequalities of the customs and excise taxes? The answer is simple. It does help a little. But with $600,000,000 raised by regressive methods and but $70,000,000 raised by a progressive income tax this system as a whole is still heavily regressive. Note, Honorable Judges, with the income tax our federal taxes are still not even proportional. They are far from it, whereas according to the principle of ability to pay they should be progressive. Indeed when we have collected $500,000,000 by means of an inheritance tax we shall even then have attained only substantially a proportional system. In conclusion, Honorable Judges, let me call your attention to the significance of these taxes which bear so heavily on the poor and so lightly on the rich. My colleague has pointed out the imperative need for economic self-sufficiency in this nation. Obviously the present system is not designed to promote well-balanced economic development. It does not lead, if you please, to economic preparedness.

Why is it, Ladies and Gentlemen, that the great economists of the world lay down the principle of ability to pay? It is because that taxing system which most effectively brings about a just and proper distribution of the burdens of the government, promotes industry, and leads to economic development.

Servants, laborers, and workingmen of different kinds make up the far greater part of every great political society. What improves the greater part improves the whole. It is the liberal reward of labor, it is the improvement in the circumstances in the lower ranks of the people that gave to Germany her military and economic strength. A country is strong when the vital power of its component parts is strong. A society is economically efficient whose members bear the burden of government in accordance with their ability. A progressive inheritance tax will tend toward the desired goal.

THIRD AFFIRMATIVE

Howard T. Hill, Chicago

The Gentlemen of Michigan have contended that they stand for a just tax, one that will protect the workingman. But they failed to point out how inheritance taxes handled exclusively by the states will give the workingman aid and protection which a Federal inheritance tax will not; neither did they show that their plan was as just a plan as the one we propose, and which I shall speak of further. We believe that you will agree with us, Ladies and Gentlemen, that the welfare of each person here tonight, in the state, in our Nation, depends in the last analysis, upon the steps we must take to make our Nation economically sound and to prepare ourselves in a military way, in order that every person may have the maximum of decent existence and protection. Each citizen depends for protection upon the government of our Nation, of which he is a part.

Honorable Judges, we have repeatedly asked the Gentlemen of the Negative whether if the general property tax were not abolished in the several states, they will still stand for the adoption of inheritance taxes exclusively by the states. As the Gentlemen have as yet studiously avoided an answer, we are forced to demand a reply. Gentlemen, you have four chances remaining to answer this question, and we call upon you to do so in your remaining speeches.

Ladies and Gentlemen, let me call your attention to the exact situation which the debate presents at this moment. The first Affirmative contended that the Federal Government needs more revenue because of the present deficit and the vast sums needed for economic and military preparedness. The gentlemen of the Negative admitted this point. The first Affirmative then pointed out that the present means of securing revenue was inadequate to meet the present need for money. Our opponents did not directly deny this point but presented possible sources that could be used; and I shall deal with these presently. The second speaker of the Affirmative contended that a Federal Inheritance Tax would correct the regressive nature of our present taxes, in that such a tax would not bear disproportionately heavily upon the poorer classes. The Negative admitted this proposition. He

then pointed out that leading authorities were agreed that the principle of such a tax was correct, and the Gentlemen admitted this point. He then showed how a federal tax could be better administered than a state system of taxation, and the Gentlemen failed to take issue on this point. It remains for me to show that, first, the inheritance tax will almost wholly meet the increased needs of the National Government; second, that the Federal tax will be a valuable social measure.

First, the Federal inheritance tax will furnish the necessary revenue to meet the need of the Federal Government for money. Professor Johnson, editor of the New Republic, estimates that a Federal inheritance tax will furnish about $5,000,000,000 annually. Since our present annual debt amounts to something like $1,028,000,000, as shown by government figures, (Wealth, Debt and Taxation—Dept. of Commerce, 1915, Vol. II., p. 12), there will be left practically enough to meet our other expenditures. And let it be remembered that there is not only a present need for money but there will be a continued need in the future.

Furthermore, the Federal inheritance tax will furnish the necessary revenue without harming the states. They may proceed as before and if they are in need of more money, we propose to turn any surplus in collections over to them for their local uses.

Now the Negative admit this need of the Federal Government for funds, and then they took this peculiar stand, which seems quite inconsistent with their frank admission:—They contended that this was a time of emergency and that ordinarily there was a surplus in the Treasury which would each year more than overcome a deficit which might appear; then they proceeded to suggest new sources of revenue to meet the present and future deficits. Such a stand can not be tolerated for it fails to meet the issue squarely. The Gentlemen admit the need of money, then they proceed to cloud their own admission and the issue.

First, let us see what there is to their contention that there is ordinarily a surplus in the Treasury that will meet the average deficit. If the Negative will consult the "Statistical Abstracts" issued by the United States Government, they will find that for an average period of ten years, the deficits total as much as $65,000,000 more than the so-called "surpluses." More than this,

what is commonly called a "surplus," is not a true surplus. It does not represent net excess cash. It can easily be absorbed each year by our bonded and floating indebtedness. The latest available figures in our government reports show ("Wealth, Debt, and Taxation"—Dept. of Commerce, 1915, Vol. II, p. 12) that in 1913, our debt, less sinking fund assets, and less available cash in the Treasury, was over $1,028,000,000. These figures show a large debt, not a "surplus," as the Gentlemen assert. If the alleged "surplus" were real, it would be inadequate to meet the present deficit of some $300,000,000. A bit of simple figuring proves this point. The figures in the Government reports just referred to (Vol. II, p. 11-12) show that in 1913, the aggregate of receipts and cash balances for that year totaled $3,891,000,000. After the payment of all governmental expenses, there was available for outlays, etc., 6.9 per cent of that amount, or $233,460,000. The so-called "surplus" is included in that sum. Now, take this $233,460,000 as a fair average for each year since. Subtract the amount of the $65,000,000 navy contracts of November 29th, and we have left $168,000,000. Then, subtract the amount of the proposed $400,000,000 naval bill for 1918, and we have a deficit of some $232,000,000. And thus far we have considered only naval expenditures. We must also have money for army appropriations, coast defenses, internal improvements, conservation work, our Oriental dependencies, the Panama Canal, and a merchant marine. Honorable Judges, facts and figures upset the hasty assertions of the Negative. The so-called "surplus" is not a real surplus; and we stand face to face with an actual deficit of some $300,000,000 according to U. S. Government figures and the admission of the Gentlemen of Michigan. Even their own authority, the Secretary of the Treasury, states in his Annual Report for the Fiscal Year ended June 30, 1915,—"A wise, sound and permanent policy of raising the additional revenues required for preparedness and the expenditures of the Government should . . . be devised and adopted."

Second, the schemes with which the Gentlemen propose to raise revenue, are unsound, inadequate to furnish the necessary amounts, or impractical. For instance the Negative suggested bond issues as a source of revenue. But why bond issues if the present deficit is due to emergency only? They evidently fear a recurrence of the deficit. But Secretary of the Treasury McAdoo,

states in his Annual Report for the Fiscal Year ended June 30, 1915, p. 51—"The policy of providing for the expenditures of the government by taxation and not by bond issues is undoubtedly a sound one and should be adhered to."

Again, the Negative propose the expansion of our present sources of Federal revenue. But an expansion such as the first Negative speaker suggested is not desirable, since it means a greater burden placed on those less able to pay an increase of taxes. Let me call to your attention that the second Negative speaker emphasized in no uncertain terms that he stood for taxing people in proportion to their ability to pay. Evidently, the Gentlemen are not in agreement on this point. Moreover, it must be noted that our opponents failed to take issue with us on the fact that our present sources of revenue can no longer be relied upon. They assume that they can, in the face of the authority of the Commissioner of Internal Revenue himself. I read from his Annual Report for the Fiscal Year ended June 30, 1915, p. 4—"There is a noticeable decrease in the receipts from distilled spirits and fermented liquors—(some $23,000,000). This, in the main, can probably be attributed to the prohibition laws." And these are the sources of internal taxation producing the largest amounts of revenue according to further statement of the Commissioner.

Again, the Negative propose using our Federal Income Tax. But the amounts, it will furnish are, first, inadequate as the tax stands; and, second, it is impractical and unjust to raise the rates and decrease the exemptions. First, the Federal income tax is inadequate. The Negative assert it can be made a personal income tax for $62,000,000, annually, and a corporation income tax for some $215,000,000, thus totaling some $277,000,000. We are at a loss to know how they arrived at those figures. They are overdrawn—too large. Let us consult dependable figures. In the Annual Report of the Commissioner of Internal Revenue, here, we find that the Commissioner states, (p. 4.) that he estimates the income tax collections for the fiscal year 1917, at $90,000,000, $45,000,000 for the corporation tax and $45,000,000 for the individual income tax. We submit these figures in opposition to those apparently, furnished by the Gentlemen themselves. We refer them also to their own authority, the Secretary of the Treasury and his figures in his last annual report. Second,

it is impractical and unjust to raise the rates of the Federal income tax and decrease the exemptions, as my colleagues will show more fully than my limited time permits. An increase of rates will lead to evasion of the tax, as we must depend upon each person's honesty in determining the amount of his income. If many persons practice evasion, the recourse consists mainly of inquistorial methods, and such methods we do not countenance because they interfere with private rights. On the other hand, if we decrease the exemptions, the income tax becomes regressive, and becomes a kind of tax which the Negative are already on record as disfavoring. So we face this dilemma: Either tax the total income from all sources on an increased rate basis, and invite evasion and loud and just protest against inquistorial methods, or decrease exemptions and make the tax regressive . . . the very result which accrues if we tax incomes at their source. All leading authorities are agreed that the administration of the Federal Income Tax is at best difficult and especially will it be so under such schemes as the Negative propose. And the dilemma presents the cogent difficulties. Ladies and Gentlemen, there is no clear way out of these difficulties. Gentlemen of Michigan, which horn of the dilemma do you choose?

Compare the advantages of the Federal inheritance tax over such a system. In its inception it brings the burden of taxation upon those most able to pay; and the Negative admit this admirable feature of the tax. It is easy of administration as the second Affirmative speaker pointed out, and the state machinery can be utilized constitutionally as he showed by the decided cases. Evasion is next to impossible because we have one uniform system extending over the several states. But the Gentlemen may say that a man will go to Canada, to England, or some other such foreign jurisdiction. But that will be of no avail since the leading nations that he might choose, have inheritance taxes of their own. Suppose they suggest that he flee into Mexico. There the "de facto" government—for the time being—will undoubtedly fail to inquire into the state of his inheritance but perhaps will send the owner to his reward in advance of his allotted time.

Second, as a social measure, the value of Federal inheritance tax is hardly to be questioned. In fact, the gentlemen of the Negative themselves do not deny that it will be a curb on the accumulation to immense fortunes that will pass practically free

and unimpeded to heirs and descendants. But their suggestion is that we begin at the roots of society and industry and remove the causes for the accumulation of immense fortunes. Now we believe you will agree with us that if the Gentlemen are going to reform our entire social and industrial order, they have begun an undertaking which will require so much time that the Nation may fall into decay while they ponder over problems that have puzzled economists and social reformers for decades. This is not a question of social reform but one of immediate need for social betterment. Certain it is that if the Federal tax cannot be evaded because the probate records will show the amount of the respective inheritances and the Federal tax will be uniform and will reach all states, then each inheritance will be taxed. And we see that it will be no use to go to another country that also has such a tax; moreover, his property may be largely in the United States. More than this, no person will disrupt an entire industry, to remove to some country where possibly there will be no inheritance tax. The rates of the Federal inheritance tax will not be confiscatory, hence business will not be disrupted. And when those most able to pay meet their just share of taxation, there will be left to those paying more in proportion to their means, that much more in the raising and betterment of their families.

After all, Ladies and Gentlemen, if we could remove this whole matter from the atmosphere of the forensic contest, what is the important question? It is this: Shall the United States retain her position as a prominent world power? If so, she must find a new source of revenue. Our expenditures of the Federal Government are increasing. Whether we like the prospect or not, we must face the facts. As a matter of business, a great nation can not ignore an impending deficit.

How then shall our country meet that deficit and how shall it provide for future needs? Many methods are suggested but all of them save one soon reveal their inherent weakness. Only that one conforms to all the standards of a good measure for revenue and social reform, and that is a progressive Federal inheritance tax.

From the standpoint of administration, practically perfect, it commends itself to the reformer of our present cumbersome and much evaded taxes. Administered simply and directly by ma-

chinery already in control of the subject of the tax, not a single complication is added to our taxing scheme.

It is primarily a revenue measure and as such conforms to the all-important requirements of such a measure. It will secure the funds necessary to meet the impending national deficit, will leave the states free to use the same source of revenue more liberally than ever before, and will provide a splendid source for permanent use by the United States.

Negative Speeches in Debate against Northwestern University

FIRST NEGATIVE

Arthur H. Peterson, Chicago

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The first speaker for the Affirmative, in introducing the question under discussion this evening, has set forth in an admirable manner, the excellent features of the inheritance tax as a tax. We of the Negative wish to make it clear at the outset of this debate that we find no fault with the inherent qualities of the progressive inheritance tax as a fiscal measure, provided it is used in the proper place and to a reasonable extent. Therefore in order to eliminate this phase of the question from further discussion we wish to endorse what the Affirmative have said in that connection, and to incorporate it by reference into our Negative case.

This leads us at once to the next proposition advanced by the Affirmative—namely the needs of the Federal government for more revenue. Here again we take pleasure in assuring our friends from Northwestern that we take no issue. It would be folly to argue that in these times of rising prices and ever-increasing functions performed by our government, there would not be a need for more revenue. This has been the experience of governments the world over. But mark you, Ladies and Gentlemen, it is also true that our states, counties, cities and towns feel the same ever-increasing need for revenue as popu-

lation increases and the functions of government are extended. Therefore it by no means follows, as the gentleman who has preceded me would have you believe that the Federal government should seize the inheritance tax merely because a need is felt for additional revenue.

Here it is that the Negative must take their first issue with the Affirmative, for it is our belief that the inheritance tax should not be used by the Federal government; that such a tax should be left to the states exclusively.

In this conection the first speech of the Affirmative to-night has betrayed the fundamental weakness of their case. In other words they approach the problem of tax reform from an unscientific standpoint. The Federal government needs more revenue —they argue. Seeing that the inheritance tax will afford this desired revenue they would at once blindly seize it. If by so doing the states are injured or our taxing system as a whole thrown out of gear, so much the worse for the states! We submit to you, Honorable Judges, that not merely our Federal government but our states, counties and cities must be considered; our taxing system as a whole must be taken into account.

What do we mean by our taxing system as a whole? We mean that under our form of government, we have national, state and local governmental bodies. Each of these various bodies has certain duties to perform, the execution of which in each case, is vital to the welfare of all the others. It is obvious that the performance of these functions requires revenue raised through the machinery of taxation. It is even more obvious that the sources of taxation are limited and that no one agency of government can appropriate them all or more than its just proportion, without seriously injuring the other parts of the governmental organism.

This governmental machinery may be compared to a great chain composed of three links. The first link we may call our Federal government, the second is our states, while the third link stands for our counties, cities, and smaller municipalities. If we weaken the last two links of our chain in order to strengthen the Federal government link the chain as a whole loses in strength. It is only by a wise and careful consideration of the whole that a judicious change can be made.

Let us take another illustration. Suppose the rear tire of an

automobile is punctured. The owner can limp along on his way with his flat tire, making poor progress and causing damage to his whole car, or he can take one of his good tires from a front wheel and so replace the defective rear tire. But if he does so he merely transfers trouble from one place to another. The only scientific remedy is obvious—he must get a new tire altogether.

And so it is with our taxing machine. If we take away the inheritance tax from the states, the fiscal needs of our Federal Government are met. But the states would then be running on a flat tire. The machine as a whole is still in a crippled condition. Therefore it is our contention that when the Affirmative plead for a progressive Federal inheritance tax on the ground that the Federal Government needs revenue, they merely scratch the surface of the problem. We ask that the Gentlemen view the taxation problem in its broader aspect; we invite them to come beneath the surface and get all the fundamental merits of the proposition.

Now if we analyze the parts of our taxing system as it exists today, where do we find the point of greatest weakness? Not as the Gentleman from Northwestern would have you believe, in the Federal Government, but rather in the states. Here is found the iniquitous general property tax which has been the object of more vituperation by tax experts, economists and tax associations than any other tax now being used anywhere. Let me discuss briefly the general property tax and then show its relation to the inheritance tax under discussion this evening.

Our general property tax consists of two parts, first the personal property tax which is levied on such tangible assets as a stock of goods, household furniture, farmer's machinery, etc., and also upon intangible assets as, for example, notes, mortgages, stocks and bonds. The second part of the general property tax consists in a tax on realty, that is, upon land, buildings and such other property as may be said to be fixed or permanent in position.

With this brief summary in mind, let us first consider the most objectionable feature of the general property tax, the tax on personalty. Since the vast majority of people belong to the middle or poorer class, their personal property, or, it oftentimes happens, all their property, is to be found in the tangible effects already alluded to, such as furniture, farm machinery, etc. This property the assessor can easily evaluate, for its very tangi-

ble nature makes it practically impossible of concealment. The same does not hold true as regards the rich man. Like the poor man, he too is taxed on his household furniture and other tangible goods, but notice, Ladies and Gentlemen, these bear only a small proportion to the intangible personal property represented by his holdings in stocks and bonds. If he fails to declare the existence of this property, the assessor, ignorant even of its existence, must perforce levy a tax upon the tangible property only. In this case the failure of the wealthy tax payer to declare his intangible property results in the poor man bearing a disproportionate share of the personal property tax. Should the man who holds stocks and bonds declare this property, he himself bears an unjust share of the same tax as compared with his dishonest neighbor who fails to declare all his personal property.

Professor Seligman, taxation expert of world wide reputation, characterizes the personal property tax as a "tax on ignorance and honesty." The Illinois tax commission in a recent report, states that the personal property tax is "nothing short of a school for perjury promoted by the law." The pages of these various tax reports from every state in the union fairly teem with similar expressions. All agree that the personal property tax must be entirely abolished.

The second part of the general property tax, the tax on realty, must be delegated to the localities, that is, to the cities, towns and counties. As a part of our state taxing machinery this second feature of the general property tax is also a failure. Why? Because of the injustice resulting from different bases of assessment as between town and town and between county and county.

We find in one county property is assessed at only one third of its real value, in the adjoining county property may be assessed at two thirds full value. The result is tax payers in county number one pay only one half as much in taxes as do people in county number two on the same amount of property. Were each county or town to make its own budget and assess its own taxes such a condition of chaotic taxation could not exist. Since each community would have to raise all its own taxes, the rate of assessment would be immaterial. Tax payers in Cook County would pay toward the support of Cook County alone and in paying these taxes could feel that though the rates in adjoining counties be high or low they could in no way cause injustice

either to themselves or to other communities. Before this spirit of justice can prevail in place of the present mad scramble by every county and city to avoid paying its fair share of the property tax, the tax on realty as a source of state revenue must go.

Thus far, Honorable Judges, our discussion of what every tax association in the country admits is the weak point in our taxing system, leads us to this conclusion: We must entirely abolish that part of the general property tax which applies to personal property. The tax on realty must no longer be exercised by the states but must be given over to the towns and cities.

These reforms are inevitable. They are voiced in the reports of tax associations in every state in the union. They are being furthered by the combined efforts of tax experts throughout the United States. Our own State of Illinois only this autumn made possible this reorganization of our state taxing machinery by a constitutional amendment. But when such reforms are accomplished, the states must be assured of an adequate substitute for the doomed state property tax. At present Illinois derives 57 per cent of its total revenue from the vicious general property tax; Iowa 60 per cent; Oregon 66 per cent; Arizona 81 per cent; and notice the difference, but 11 per cent in New York and but 6 per cent in California. Why have New York and California been able so largely to dispense with the general property tax? Mark well the reply, for herein lies the answer to our whole problem. Because in these two states an effective use has been made of state inheritance taxes.

If now the Federal Government invades this field of taxation not only will New York and California be compelled to go back to the vicious general property tax once more as their chief source of state revenue, but our own state of Illinois as well as many other states will be prevented from doing taxpayers justice. The states in the union now derive $140,000,000 from the general property tax. The loss of this revenue, the Negative contends, should be made good by means of state inheritance taxes.

In concluding the first speech for the Negative I should like to leave two questions with the gentlemen from Northwestern. First do you believe that the general property tax, as a source of state revenue must go? Second if you agree with us that the state property tax is doomed, how do you propose to fill the $140,000,000 deficit which our state treasuries will then face?

SECOND NEGATIVE

Benjamin E. Jaffe, Chicago

Mr Chairman, Honorable Judges, Ladies and Gentlemen:

You will recall that my colleague, at the opening of this debate, laid down as the first fundamental principle, not only of the Negative case, but of any scientific approach to the age-old problem of taxation that we must view our taxation system in its entirety; that national, state, and local interest should be given careful consideration in any measure of taxation reform.

Viewing the problem in this light, we have seen that all are agreed that the weakest spot in our taxation system is the general property tax. We have seen that the personal property tax is entirely indefensible and should be abolished outright; and that the tax on real estate should be delegated to the locality. Such a reform, we have seen, would deprive the states of $140,000,000 of revenue and therefore the inheritance tax is urgently needed by the states as a source of revenue. In order to make this issue perfectly clear to the gentlemen from Northwestern we left two specific questions with them.

1—Do your believe that the states ought to reform their general property taxes? and

2—If such is your belief, how do you propose to meet the $140,000,000 deficit that the states would thus incur?

In answer to the first question the Gentlemen have said "yes" we believe that the states ought to reform their present taxing systems, and yet despite this, throughout their entire first two speeches not a word was said by way of suggesting means by which the states could meet the $140,000,000 deficit other than by the inheritance tax. The first two speakers of the Affirmative have done exactly what we warned them against at the outset—they have considered the question from the point of view of the Federal Government and have not thus far discussed it in the light of our taxation system as a whole.

If we should, however, for the sake of argument leave the states out of consideration, if we should for the moment forget that our system of government is of a dual nature, state and

federal; if we should consider the question in the light only of a part of our taxing systems, we find that the arguments of the first two speakers even in this regard have not been sound.

The Gentlemen from Northwestern have called attention to the fact that the Federal Government has used the inheritance tax during the Spanish-American War. It might be of interest to note, however, that as soon as the war was over the inheritance tax was abolished as a Federal source of revenue and was left exclusively for state use. In other words, the tax was merely a temporary emergency measure. There is no period in the entire history of the country when Congress passed an inheritance tax to be used as a permanent source of Federal revenue. The proposition which the Affirmative is advocating calls, on the other hand, for the inheritance tax as a permanent source of revenue.

The gentlemen have also argued that the Federal Government is in dire need of revenue. They have informed us that $360,000,000 is needed immediately, and yet have asked for an inheritance tax that would yield at its maximum $50,000,000. Why is it, we ask that if the Federal Government is in immediate need of $360,000,000 and if the inheritance tax is such a good Federal tax as they have argued, why is it we ask that they have proposed to raise only $50,000,000 by a Federal inheritance tax? Honorable Judges, by taking that position the Gentlemen have betrayed the weakness of their position, for they have admitted that the revenue that can be derived from an inheritance tax is limited.

If it is true then, as my colleague has already shown, and the Affirmative have admitted it, that the states do and will need every penny that can properly be drawn from an inheritance tax, then unless they can show a better source of state revenue, the inheritance tax ought to be left exclusively with the states. Thus far, although they have admitted that the states need more revenue, the Gentlemen have shown no inclination to point out how they can secure it other than from the state inheritance taxes.

Nor is it of any avail to argue that the projects for which the Federal Government needs revenue are of great importance. It is of no avail to argue thus for two reasons. In the first place, the Gentlemen cannot prove that the government of a nation with such vast wealth and resources is unable to raise $50,000,000

by sources other than the inheritance tax—and from sources that do not bear disproportionately heavily upon the poor. In the second place, it is a well known fact that the states too are performing important functions which vitally affect the life, liberty and property of every individual. We ask the Gentlemen to keep in mind the fact that our form of government is unlike that of the European countries. In Germany, for example, the police are an agent of the Imperial Government, while the protection of health is in England and France a national matter. In the United States, however, the states always have been and are to-day considered the logical performers of such functions. In fact, Honorable Judges, state expenditures have increased more rapidly than Federal expenditures. According to the latest available figures of the Bureau of Census, the increase in Federal expenditures during the period 1903-13 was 54.5 per cent, while the increase in the cost of state government has been 105.9 per cent. In other words, the increase in state expenditures has been twice as great as the increase in Federal expenditures and this despite the centralizing tendency to which the Gentlemen have alluded.

It might be of interest at this point to notice specifically some of the state problems which have caused this increase in the past and will continue to do so in the future, and to notice also that they are matters which concern the immediate every-day life of each individual. First and foremost among these stands the large outlay due to the increased activity of the states in the matter of social legislation. In most European countries the central governments have entered this field exclusively. Our Federal Government has unfortunately been very backward in this field and the problem has almost wholly been left to the states. Many states have already passed and many more are considering such measures as workingmen's compensation acts, old age pensions, mothers pensions, state institutions for the mental defectives and insane and various forms of social insurance. The measures mentioned vitally affect the welfare of every individual and are universally supported. They require, however, large sums for the salaries of the expert boards in charge and for the actual operating expenses, and unless the states have sufficient revenue these highly important matters will be neglected.

Added to this item is that of building and improving state

roads—a large and ever increasing expense. Farmers and business men in all states of the union have pointed to the crying need for better roads, and it is essential that the states should not be hampered in this project by a shortage in funds.

Equally as important is the matter of prison reform and improvement. Sociologists who have made a study of our penal institutions agree that many changes are absolutely essential. Many of the prison structures are antiquated and need replacing. Many others have outgrown their capacities and are greatly over-crowded. Many other states are sadly in need of adequate juvenile correction homes to prevent the crowding of young offenders with hardened criminals. These too are matters which will require large expenditures, causing as urgent need for additional state revenue.

More important and vital, however, than any of the matters thus far mentioned is that of education. That adequate educational facilities are absolutely essential will be admitted by all. Yet despite this, in many of the states, especially in the rural communities, the facilities for education are entirely inadequate. Many states are realizing this and are making large appropriations for the improvement of their school systems and for making them more uniform. A closely related demand has also arisen for state vocational schools, state normal schools, and more adequate state universities.

But even all that I have mentioned thus far does not begin to exhaust the many duties which the state is at present performing and which only in the near future they will be called upon to perform. In addition the people are demanding better health protection, better food inspection, more careful medical attention for school children, more stringent factory and public utility regulation, and a host of other reforms and improvements which will cost many millions. Add to this the $140,000,000, needed to reform the general property tax and the total swells to $200,000,000. Yet despite this urgent need of the states for more revenue, as my colleague has already shown, it has always been the state government and not the Federal Government which has met insuperable difficulties in finding suitable sources of revenue.

Tracing the rapid growth of state expenditures we find that at first the states attempted to meet them largely by increasing the general property tax. This soon reached a point

beyond which it could no longer be increased because it resulted in a decrease of revenue due to undervaluation. The states then began to look about for new sources and the three most important to be adopted were the income tax, the corporation tax, and the inheritance tax.

As to the tax on incomes, the people of the United States by a constitutional amendment expressed the belief that the Federal Government should levy this tax. Now while this does not in so many words say that the states are excluded from this field, in actual practice that is exactly what it amounts to. The very entrance of the National Government into the field of income taxation necessarily limits the states. Moreover, with the constant tendency on the part of the central government to increase the rates, the result can only be that the states will become more and more limited in the use of the income tax.

As to the corporation tax the question of suitability enters. With modern business and industry national and international in character, with great corporations being chartered in one state and doing business in many more, it has become extremely difficult for the states to effectively administer this tax. Authorities are agreed that because interstate commerce is a Federal matter, and because of the probability of a Federal corporation law being enacted in the near future, the corporation tax should be administered by the national government.

This then leaves the inheritance tax as the only additional important source of revenue, and of all taxes that may be mentioned this is the best suited to meet the needs of the states. As has already been pointed out, this tax is just, easy of administration, and cannot be evaded.

All wills must be filed in the Probate Court, and since this is a state court exclusively, the amount taxable is easily ascertained. Now, is it not logical, is it not reasonable, that the political unit which controls the transmission of property, which controls the courts through which such property is passed, which controls the officers of these courts, which appoints executors and administrators for the estates, is it not logical I say that the political unit which controls inheritances in every other respect should not also control them in regard

to taxation? Why in the name of reason complicate a tax whose greatest asset is its simplicity by adding a second jurisdiction, by adding a second set of officials, and by adding a second set of rates?

Now, Friends, we have not been the first to realize the special suitability of the inheritance tax to the state needs. The National Tax Association, which is composed of economists, tax experts, both state and national, and of men who have made a thorough study of our taxation system—this eminent body for the very reasons we have pointed out argues very strongly that the inheritance tax be left as an exclusive source of state revenue. Allow me to read to you a resolution passed at one of their annual meetings:

"Whereas, The several states are now taxing inheritances with marked success, and need all the revenue that can properly be drawn from this source; and

"Whereas, The Federal Government can readily raise additional revenue, when required, from other sources;

"Resolved, That it is the sense of this Conference that inheritance taxes should be reserved wholly for the use of the several states."

THIRD NEGATIVE

Edwin Weisl, Chicago

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The Gentlemen of the Affirmative have been continuously attempting to justify an inheritance tax on the ground that it will equalize wealth. The only support which such a contention has is the eloquent phraseology of the speakers. Not one country in the world has ever used the inheritance tax for such a purpose. Not one authority on taxation has ever given serious thought to the inheritance tax as a measure for breaking up large fortunes. Why? Because it is impossible to regulate wealth in such a manner. Suppose the highest rate which the Gentlemen from Northwestern advocate and you have left from a fortune of one hundred millions, eighty millions. Do the Gentlemen mean to argue that by giving an

heir eighty millions instead of one hundred millions they equalize his wealth with that of a workingman's son with a legacy of about eighty cents? Do the Gentlemen mean to say that by giving a rich man's son eighty millions instead of a hundred millions they will force him to drink Schlitz's Famous instead of Mumm's Extra Dry?

Moreover, Honorable Judges, if very high rates are imposed, wholesale evasion will inevitably result. A wealthy man with all the legal talent of this country at his command will not allow the government to prevent his family from enjoying the wealth he accumulated. He will transfer his property to his heirs before he dies and reserve for himself a life estate. This will give him absolute control while he lives and pass the property to his heirs after he dies without the estate ever reaching probate.

We therefore ask the Gentlemen from Northwestern to cease philosophizing on the inequalities of wealth, which is not an issue in this debate. We ask them to come back to earth and consider the inheritance tax as a revenue measure. Coming back then to the fundamental issue involved in this debate, you will recall that my colleagues made it perfectly clear that, in order to justify a Federal inheritance tax, it is necessary to show not only that such a tax will further the interests of the Federal government, but also that it will not unduly jeopardize the interests of our state and local governments. In other words, we must look at this problem not in the light of a part of our taxing system, but in the light of our taxing system as a whole. Our friends from Northwestern have admitted this, but the position which they have taken thruout the debate is totally inconsistent with that admission. They have spent most of their time developing the needs of the Federal government, but have hardly given a thought to our states and localities. It does not seem to make much difference to them whether or not a Federal inheritance tax will prevent the states from abolishing the personal property tax, the worst evil of our taxing system, and likewise prevent their delegating the real property tax to the localities where it belongs and where it is needed. It is of little consequence to their way of reasoning whether or not a Federal inheritance tax will seriously hamper the states in discharging their grow-

ing functions as my colleague pointed out. They attach no significance whatever to the fact that an inheritance tax logically belongs to the states because the states control the Probate Courts.

The Gentlemen from Northwestern have been continually objecting to a state inheritance tax because of lack of uniformity and double taxation; but a Federal inheritance tax, instead of relieving this, will really aggravate the evil. We have evidence to show that the states will not abolish their inheritance tax laws, regardless of whether the Federal government adopts one or not. Therefore, instead of having thirty-nine different rates of which the gentlemen complain, we would have thirty-nine plus one Federal rate. Instead of having double taxation, we should have triple taxation. Therefore, if it was the purpose of the Affirmative to prevent lack of uniformity and double taxation, they should have chosen the Negative and not the Affirmative side of the question.

The last speaker has argued that the states would be taken care of by a plan of redistribution. But before the Gentlemen can advocate such a scheme, they must give us some assurance that Congress will adopt it. Having done this, they must bring forth evidence to prove that the states will stand for it. It then becomes incumbent upon them to show how such a tax would be administered, and also that it will yield the desired revenue for the states. Our contention this evening is that no matter what kind of an inheritance tax the Federal government adopts, it is bound to do injury to the states. We must not forget that the revenue which can be secured from an inheritance tax is limited, the present Federal inheritance tax will at best yield but sixty-five millions. Great Britain's inheritance tax, the rates of which are much higher, yielded last year but one hundred thirty-two million, in spite of the fact that so many people were killed in the war. The states need one hundred forty millions to reform the general property tax. Many more millions are needed to facilitate the necessary expansion of state functions. It is evident then that the states need every dollar which can be yielded by an inheritance tax.

But not only will any kind of a Federal inheritance tax injure the states, it will also injure the inheritance tax as a tax.

One of the most commendable features of an inheritance tax is its simplicity of administration, because of the passage of estates thru the state probate courts. But should the Federal government step in, this element would be completely wiped out and complicity and confusion would take its place. As the Wisconsin State Tax Commission puts it, "With both the Federal and state governments administering an inheritance tax thru the probate courts, conflict of authority and jurisdiction will inevitably ensue, which will cause much confusion and considerably increase the expense of administration."

Furthermore, with both the Federal and state governments administering an inheritance tax, the tax will be deprived of an element which is indispensable to a good tax. That element is elasticity. No matter how just a tax may be, it must above all be adjustable to the needs of the government as they increase or increase. Now, it is impossible to raise a tax beyond a certain rate because of evasion and because of the danger of taxing capital. The more communities levying the same tax, the closer do you come to this rate. Therefore, with both the Federal and state governments levying an inheritance tax, the tax would lose its elasticity; and should a need on the part of either of the governments arise in the future, their hands would be tied and they would have to seize some new tax.

Again, Honorable Judges, not only will any kind of a Federal inheritance tax injure the states and also deprive the tax of its most commendable qualities, it will injure our taxing system as well. For many years in the past, the taxing system of the United States was the subject of ridicule the world over. It had been the policy of our governments when in need of more revenue, to seize any tax they could get hold of, regardless of the justice or suitablity of that tax to the conditions in the government. Consequently we had several communities administering the same tax, which involved much complication and which caused much inconvenience and injustice to the tax-payer. Finally public opinion was aroused to such an extent that tax commissions of experts were appointed to make a thoro study of the taxation problem of the United States. These commissions, after a thoro investigation, reached the conclusion that the best way to secure a just and practicable system of taxation in the United States was to properly segregate our taxing sources.

That is, Honorable Judges, to delegate a tax to that community which needs it the most, which is best able to administer it and where it will do the greatest good. And when we advocate the exclusive control of an inheritance tax by the states, we are in absolute harmony with that conclusion. For it is the states that need the inheritance tax, not only as a means of reforming their property tax, but also as a means of raising additional revenue. It is the states who can best administer this tax because they have under their control the probate courts.

In conclusion, Honorable Judges, let me point out that we have continually pleaded with the Gentlemen from Northwestern to be at least scientific in their treatment of this important question. Time and time again have we asked them to view this problem in the light of our taxing system as a whole, and so many times have they refused. We are ready to go one step further. We will now show how the Federal government can meet its needs for additional revenue in a just and equitable manner without taking away from the states the inheritance tax. The Gentlemen from Northwestern are laboring under a false delusion. They are assuming that the Federal government will meet its needs for preparedness, merchant marine, etc., thru current expenditures. The facts of the matter are that bonds would be issued. Indeed, it would be most unjust to do otherwise. These reforms will promote the welfare of future generations and it would be unfair to ask the present generation to bear the entire burden. It should be evenly divided by a bond issue.

As regards the other needs of the Federal government, many just taxes are available. There is the income tax. This tax is based upon the principle for which we have been arguing—the principle of progression and the ability to pay. When President Wilson was asked how the Government should meet its need for more revenue, he did not say "Levy an inheritance tax." He said "Raise the rates on the larger incomes and decrease exemptions." It has been pointed out that one billion could be raised in this manner.

The Federal government has also at its disposal a progressive tax on tea and coffee, which is in existence in every other civilized country in the world. Prof. Millis, of the University of Kansas, has pointed out that one hundred millions could be raised in this manner without appreciable burden upon the American people. Then there is the tax on interstate commerce, or auto-

mobile manufacturers, or munition makers, which can yield many millions more. Now, is it reasonable, is it just to do injury to the states, to do injury to the inheritance tax, to do injury to our taxing system, if the Federal government can meet its needs in a just and equitable manner without the inheritance tax.

REVIEWS OF THE DEBATES

CHICAGO-NORTHWESTERN

Undergraduate debating made its first appearance in the Central Debating League on Friday night, January 19, when a team of Chicago undergraduates met a similar team from Northwestern University in Mandel Hall. Northwestern supported the Affirmative of the question. The decision of the judges was unanimous for Northwestern, but the result does not tell the story of how the undergraduates met their initial test.

It was a fairly simple matter to compare the arguments of the opposing teams, because the debate by the end of the main speeches had narrowed down to one single issue, which was clearly perceived by the whole audience. Chicago had argued that the states and not the Federal Government should levy an inheritance tax, while Northwestern had contended that the Federal Government should share the use of the tax with the states. The Chicago debaters admitted at the outset of the debate that the merits of the inheritance tax as a tax were not in issue, the sole question being whether it should be administered by the states or by the Federal Government. The Northwestern debaters, on the other hand, conceded the necessity of a partial use of the inheritance tax by the states, but argued that the inheritance tax should also be made to contribute to the national revenue. The admission of Chicago that the inheritance tax was a good tax and that the progressive principle was sound took the wind out of the sails of the third speaker of Northwestern, who spent a good portion of his time in proving a point that was not in issue. After the preliminary skirmishing had cleared the ground of points over which there was no controversy, there remained the contention of Chicago that the inheritance tax

should be exclusively administered by the states and the contention of Northwestern that it should be jointly administered by the states and Federal Government. Between these two contentions there was a sharp clash, and the result of the debate hinged on the outcome. Manifestly this point can not be assumed, but must be proved.

The Northwestern debaters entertained a variety of shifting opinions as to what sources of taxation should be employed by the states in the event the Federal Government made use of the inheritance tax. One speaker could not believe that it would be possible to abandon the general property tax, but after it was evident that there was a general belief to the contrary, his colleague joined with Chicago in his denunciation of the iniquitous general property tax, but by so doing placed himself in a position of contending that the states could substitute for a tax yielding $140,000,000 a year an inheritance tax which he had already declared had yielded the states but a paltry $26,000,000.

The Chicago debaters showed that the maximum yield of an inheritance tax was insufficient to meet the needs of the states alone, and hence that the Federal Government could not take part of the revenue derived from the tax without either forcing the states to let some of their important wants go unsatisfied or to continue the use of the unjust general property tax. The burden of proving that the use of the inheritance tax by the Federal Government would not cripple the states was upon the Affirmative, in this case Northwestern. Consequently it was incumbent upon Northwestern to introduce evidence to show that the yield of the inheritance tax would be sufficient to satisfy all the needs of the state and leave a surplus which could be used by the Federal Government. Upon this final issue of the debate Northwestern, in fact, offered no evidence. Against the evidence of twenty tax commissions Northwestern placed no balancing argument other than their own ipse dixit that it was not so. In my opinion, upon this decisive point, the debate should have been decided against Northwestern.

The general impression of the judges seemed to be, however, that the Chicago Negative team was under a duty to sustain the burden of proof. Two of the judges said that Chicago did not convince them that the Federal Government should not have the use of the tax, thereby revealing their own predilections. There

seems to be a growing tendency to lighten the burden that was once supposed to rest on the Affirmative team. Having departed from the too rigorous standard of compelling an Affirmative team to establish their case beyond the shadow of a doubt, judges have apparently gone to the other extreme and adopted the theory that an Affirmative team should get the benefit of every doubt. This attitude, coupled with the advantage of the last rebuttal, may partially account for the fact that only two out of twelve Negative teams in the Central League in the last four years have succeeded in winning. In the crucial point of this debate, however, this question of burden of proof was not important, because the evidence was neither contradictory nor doubtful. Chicago had produced some evidence, Northwestern did not attempt to refute it, and consequently should not have claimed the point at issue. It is true that much evidence was introduced by Northwestern to prove their other contentions during the course of the debate, but on the narrow ground upon which the debate turned Chicago alone offered proof.

As a debater I have had opportunity to become acquainted with development of fifteen intercollegiate debates, ten of which were prepared by graduate teams. In only a few of these cases did I participate in the debate myself, but I have assisted enough in the others to form a sufficient opinion to enable me to compare them with the first debate produced by Chicago undergraduates. None of the cases within the range of this experience were in my opinion more logically developed nor more soundly presented than the Chicago Negative case on the Federal Inheritance Tax question.

The Northwestern Affirmative team was much more mature than the average undergraduate team, and this advantage of age had an undoubted effect on the decision. The superior maturity of Northwestern, however, did not show itself either in superior logical analysis, nor in the superior power, earnestness and eloquence with which the arguments were presented. Basing my opinion on the showing made by men who are not older than the average Sophomore or Junior in American universities, the debate of January 19 should be regarded as a distinct triumph for undergraduate debating.

HOMER HOYT.

CHICAGO-MICHIGAN

By a two-to-one decision the debating team representing the University of Chicago defeated the University of Michigan team at Ann Arbor. Fully two thousand people gathered in the Hill auditorium to listen to the arguments, which were presented for the affirmative, upheld by Chicago, by Gaylord W. Ramsay, Sidney Pedott, and Howard T. Hill; for Michigan, arguing the negative, Ralph M. Carson, Archie R Levine, and William T. Adams, the gentlemen speaking in the order named.

In the constructive speeches, which were limited to twelve minutes, Chicago endeavored to prove four fundamental concepts, namely.

1. That the Federal Government needs and must have more revenue.

2. That the present means of getting revenue is not adequate.

3. That a Federal inheritance tax, as advocated, will almost wholly meet the increased needs of the National Government.

4. That the present regressive taxes, such as excise taxes, can be eliminated under the proposition stated.

To support the above contentions statistics were produced showing a large deficit in the United States treasury, statements from reliable economists were given proving that a Federal inheritance tax conforms to the main canons of taxation, and arguments were advanced to point out that the revenue from a Federal inheritance tax would be stable.

The Michigan men; in constructive speeches, demanded that the inheritance tax, now levied by forty-four states, should be left as a means of state revenue, and that the Federal Government should meet its deficit by (1) broadening the present Federal income tax and (2) taxing surplus profits of corporations.

The schools, hospitals, prisons and other institutions supported by the states, require the expenditure of vast sums, argued the Negative, and to meet this demand the inheritance tax ought to remain in the hands of the state.

The rebuttal speeches, lasting five minutes, were especially interesting. In these the Affirmative contended that the needs of the Federal Government are far more important than those of

the states, and that the income tax, if increased, would be evaded partly; also that taxes on surplus corporation taxes would eventually be paid by the consumer.

In answer to the points brought forward by their opponents the Negative, in rebuttal, stated that the states are running far behind in their finances, and that they must have the inheritance tax to provide needed funds. As a means of tax reform, they said, the states should retain the inheritance tax.

Substantially, Michigan failed to meet the Affirmative squarely. Instead of answering directly, their debaters urged the tax on surplus corporation profits, and the broadening of the income tax, and these two plans were effectually disposed by by Chicago in the last rebuttal speech.

The judges were Judge J. A. Barber, Toledo, Ohio; Prof. O. C. Lockhart, Columbus, Ohio; and Professor L. C. Ward, Fort Wayne, Indiana. Judge Lockhart expressed the opinion of the majority after the debate in these words: "Chicago excelled in ability to pick out vital issues. The Chicago debaters were more direct in their replies throughout the rebuttal speeches, particularly."

Registrar Arthur G. Hall, of the University of Michigan, served as chairman.

The dissenting judge gave as his reason that the Michigan team presented a better platform appearance than Chicago.

WILLARD ATKINS.

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